AGENDA

COMMITTEE ON LANDS AND BUILDINGS

November 15, 2004 Aldermen Thibault, Roy, Gatsas, Osborne, Porter 5:30 PM Aldermanic Chambers City Hall (3rd Floor)

- 1. Chairman Thibault calls the meeting to order.
- 2. The Clerk calls the roll.
- 3. Communication from Manchester Housing and Redevelopment Authority regarding the sale of French Hall.

(Note: MHRA consultants to attend.)

Ladies and Gentlemen, what is your pleasure?

4. Request by Nicholas Bonardi to purchase a discontinued portion of So. Bedford Street at South Commercial Street.

Tax Collector – not tax deeded no objection to sale

Planning – dispose to Mr. Bonardi with condition of consolidation with TM274. Lot 7A

Board of Assessors – no report submitted

Ladies and Gentlemen, what is your pleasure?

5. Request for sale of TM889 Lot 1-14 Pasture Drive (portion of Leandre St. so-called) by Mr. Livancic.

Reports from Planning, Assessor & Tax not received; street discontinuance issues.

Ladies and Gentlemen, what is your pleasure?

6. Request by Leo Bernier to purchase TM 415 Lot 1.

Tax Collector – report enclosed, no objections to disposition

Planning – recommends not find surplus at this time until preliminary

testing by archaeological experts is completed to determine general conservation worthiness.

Highway - no use for property except for easement Assessors report - not received

Ladies and Gentlemen, what is your pleasure?

7. Communication from City Clerk referenced as Installation of Replica Clock.

Ladies and Gentlemen, what is your pleasure?

8. Communication from Robert MacKenzie, Planning Director, referenced as Blacksmith Shop on Second Street.

Ladies and Gentlemen, what is your pleasure?

TABLED ITEMS

A motion is in order to remove all of the following items from the table for discussion.

- 9. Communication from Mr. MacKenzie and Ms. Hills referenced as Hackett Hill Business Park Master Plan.
 (Last Tabled 7/27/04.)
- 10. Communication from City Library regarding space needs of the West Branch Library.

 (Last Tabled 7/2704 pending further report; Mr. Brisbin and Ms. Vigneault requested to attend 11/15 meeting for discussion.)
- 11. Communication from Urban Ponds Restoration Program reference: Black Brook/Maxwell Pond Street Restoration Proposal. (Tabled 8/10/04)

12. Disposition of West Haven Road, Map 922, Lot 39-A. *Tax - report received*

Planning – recommends offer to abutter

Assessors – Letters sent to abutters, verbal report.

13. Land between Valley and Grove Streets previously owned by B&M Railroad Co.

(Tabled 5/26/04 pending policy for rail bed land dispositions.)
Planning - do not dispose, license might be considered with conditions
Parks & Recreation - do not dispose; temporary use license or agreement subject to conditions could be considered

14. Land at Belmont/Valley Grove formerly owned by B&M Railroad (Last Tabled 7/27/04 pending standard policy for purchasing railroad land to be submitted by Planning.)

Tax Collector – no interest, not tax-deeded parcel

Assessors – Value range \$13,100

Planning – recommend license for usage subject to conditions.

- 15. Land at Maple/Somerville formerly owned by B&M Railroad (Last tabled 7/27/04 pending policy for purchasing railroad land to be submitted by Planning.)

 Planning/Parks do not dispose, recommend license for usage subject to conditions
- 16. Discussion of area for dog park (Tabled 7/27/04 pending review and report from Parks, Public Works and Planning.)
- 17. Use of landfill NH Flying tigers R/C Club (Tabled 7/27/04 pending review of dog park information.)
- 18. Request of Norm Hebert, NHDC Realty Trust, for acceptance of proposed ROW 2989 Brown Ave.

 (Tabled 5/26/04 pending Mr. Hebert's attendance and Highway report.)

 Note: Highway report enclosed.

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- 19. Land on Francis Street, Map 861, Lot 25N
 (Remained Tabled 7/27/04 pending new value by Assessors; multiple abutter interest.)
 Planning offer to owners Lot 18 or 24
 Tax Collector report received
- 20. Brown School property
 (Last tabled 7/27/04 pending report from City solicitor of when deposit was made and if in breach of contract when deposit made.)
- 21. If there is no further business, a motion to adjourn is in order.



Dick Dunfey Secretary/Treasurer

M A N C H E S T E R HOUSING AND REDEVELOPMENT CORPORATION

George N. Copadis
President

William B. Cashin Vice-President

Marie E. Donohoe

Trustee

Fred B. Kfoury, Jr.

Trustee

M. Mary Mongan

Trustee

IN BOARD OF MAYOR & ALDERMEN

DATE: November 3, 2004

ON MOTION OF ALD. Porter

SECONDED BY ALD. Lopez

approve main motion as amended to refer VOTED TO to the Committee on Lands and Buildings.

October 25, 2004

Board of Mayor and Aldermen C/O Manchester City Clerk One City Hall Plaza Manchester, NH 03101-2097

Honorable Members of the Board:

On October 19, 2004, the Manchester Housing and Redevelopment Corporation Board of Trustees approved a proposal from Brooks Properties of 9 Red Roof Lane, Salem, New Hampshire to acquire and develop the French Hall property at Hackett Hill. Brooks Properties intends to relocate approximately twenty employees of their development company to the facility and lease the remainder to a national tenant.

We have been marketing this property with the objectives of uses which are consistent with the development plan for the area, quality employment opportunities and an increase to the City of Manchester's tax base.

Since 1972, Brooks Properties has been developing office, commercial, and industrial properties in Northern Massachusetts and Southern New Hampshire. They currently own, operate and maintain over 1.5 million square feet of property.

Brooks Properties has offered \$1,150,000.00 on an asking price of \$1,300,000.00 for the French Hall property. In order to assure increased site utilization, they have agreed to doubling the size of the existing building from approximately 30,000 square feet to approximately 60,000 square feet no later than five years from the date of closing. If they fail to complete construction of the additional 30,000 square feet within this time frame they will pay \$30,000.00 in addition to taxes on each closing anniversary date for the following five years. This payment would not be made after completion of the required construction. If Brooks Properties fails to complete the required construction by the tenth anniversary of the closing date, they will within thirty days thereafter sign a contract to market the property for additional development with a local real estate broker including listing in the New Hampshire Commercial Investment Board of Realtors. Brooks Properties also agrees that all improvements to the property will be in accordance with the design guidelines established in the proposed Northwest Business Park Development Plan and will execute a Purchase and Sales Agreement and a Land Disposition Agreement assuring



satisfactory completion of their proposed development. Brooks Properties will provide an initial deposit of \$60,000.00 contingent upon due diligence and an additional deposit of \$60,000.00 upon satisfactory completion of due diligence.

We believe that the Brooks Properties proposal represents an excellent first step in the development of the Hackett Hill area and recommend that the Board of Mayor and Aldermen concur in the Manchester Housing and Redevelopment Corporation's approval of the sale of French Hall to Brooks Properties.

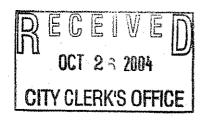
We have enclosed a brochure from Brooks Properties which includes a sampling of properties from the Brooks Properties portfolio, including a listing of current uses, which we feel and believe illustrates the quality of their property and the quality of the employment opportunities which occupy their properties.

Sincerely,

MANCHESTER HOUSING AND REDEVELOPMENT CORPORATION

Dick Dunfey Secretary/Treasurer

cc: Tom Clark
Jane Hills
Bob MacKenzie







Dick Dunfey Executive Director

M A N C H E S T E R HOUSING AND REDEVELOPMENT AUTHORITY

July 3, 2003

Board of Mayor and Aldermen One City Hall Plaza Manchester, NH 03101-2097 Fred B. Kfoury, Jr.

Chair

George N. Copadis

William B. Cashin Commissioner

M. Mary Mongan

Commissioner

Marie E. Donohoe

Dear Mayor and Aldermen:

The Manchester Housing and Redevelopment Authority, with approval of the City of Manchester, has marketed French Hall at 200 Hackett Hill Road through its real estate broker, CB Richard Ellis. This property was purchased from the University of New Hampshire along with the large parcel of undeveloped land known as Hackett Hill to meet future City objectives for both land preservation and economic development. At the time of the purchase, these properties were deeded to the Manchester Housing and Redevelopment Authority for development and disposition, subject to a Cooperation Agreement signed November 6, 2002, a copy of which is attached. The 1999 purchase price of the French Hall property in a stronger economy was \$1,887,500 based on the building's use as a school with no real estate tax benefit to the City. The property is currently assessed for \$1,411,500.

The Manchester Housing and Redevelopment Authority Board of Commissioners will be considering two proposals for the sale and development of French Hall at its July 10, 2003 meeting, and expects to report on its selection for the Board of Mayor and Aldermen meeting on July 15, 2003. A copy of the selected proposal will be forwarded to you after the Board of Commissioners meeting on July 10, 2003.

In addition, the Manchester Housing and Redevelopment Authority recommends that the administrative responsibility associated with the disposition of French Hall and related project improvements become Project No. 2 under the Cooperation Agreement between the Authority and the City dated November 6, 2002. Copies of the proposed Project No. 2 scope of services, project budget, and Cooperation Agreement dated November 6, 2002 are included for review.

Thank you.

Sincerely,

MANCHESTER HOUSING AND REDEVELOPMENT AUTHORITY

Dick Dunfey

Executive Director

cc: Tom Clark



PROJECT NO. 2 UNDER COOPERATION AGREEMENT DATED NOVEMBER 6, 2002

DISPOSITION OF FRENCH HALL AND ASSOCIATED IMPROVEMENTS

The City agrees that the Authority shall coordinate the design and construction of a new access road from Hackett Hill Road to the existing access road behind French Hall and the disposition of the French Hall property.

- 1. Compliance with governmental orders. The Authority will take such action as it may deem necessary to comply promptly with any and all governmental orders or other requirements affecting the Project, whether imposed by Federal, State, County or City authorities. The Authority will notify the City or its designee in writing of all notices of such orders or other requirements, within 72 hours from the time of their receipt.
- 2. <u>Authority's authorization.</u> The City authorizes the Authority to:
 - A. Complete the Project according to this Agreement.
 - B. Contract for all services required to complete the project as outlined in the Project budget attached as Exhibit "A".
 - C. Represent the City in specific matters related to the Project.

3. <u>Authority's obligations</u>

The Authority shall provide all required administrative services to complete the project by arranging for and administering contracts for design and construction of improvements and to facilitate the disposition of French Hall.

- A. Hackett Hill access road: The Authority will coordinate with the City of Manchester Public Works Department regarding design of a new access road from Hackett Hill Road to the existing roadway behind French Hall. The Authority shall coordinate with the City of Manchester's Public Works Department regarding revised subdivision plans of the French Hall property.
- B. French Hall: The Authority will review proposals, select a developer and report to the Board of Mayor and Aldermen.
- 4. Reports. The Authority will furnish information as may be requested by the City from time to time with respect to the project's financial, physical, or operational condition.
- 5. <u>Project costs.</u> The estimated project budget is attached as Exhibit "A".

- 6. <u>Accounting system.</u> The Authority will develop a systematic method to record the business transactions of the Project that appropriately reflects the complexity of the Project operations.
- 7. <u>Term Agreement.</u> This agreement may be terminated by either party providing ninety (90) day prior written notice to the other of termination.
- 8. General. Notwithstanding any provision of this Agreement or any obligation of Authority hereunder, it is understood and agreed: that the City has assumed and will maintain its responsibility and obligation throughout the term of this Agreement for the finances and the financial stability of the Project; and that the Authority shall have no obligation, responsibility, or liability to fund authorized Project costs, expenses, or accounts other than those funds generated by the Project itself or provided to the Project by the City. Provided however, that the Authority shall not expend funds in excess of what is shown in Exhibit "A" without prior approval of the Aldermanic Special Committee.
- 9. The City, upon approval of this Project by the Board of Mayor and Aldermen, hereby appoints the Aldermanic Special Committee on the Civic Center (hereinafter referred to as "Special Committee") as its designee to oversee and monitor all activities to be carried out as part of this Project. The Executive Director of the Authority, or his designee, shall, on behalf of the Authority, report to and consult with the Special Committee on all matters required hereunder.
- 10. Upon completion any positive balance in project proceeds shall be retained by the Authority for uses associated with the Hackett Hill Development Project subject to approval by the Aldermanic Special Committee. Should project costs exceed funding available through the sale of French Hall, the City of Manchester shall reimburse the Authority for all costs associated with the project.

Project approved by City Solicitor on20	003.
Project approved by Board of Mayor and Aldermen on	2003.
Project approved by Manchester Housing and Redevelopment Au 2003.	thority on



Project No. 2 Under Cooperation Agreement Dated November 6, 2002 Hackett Hill Access Road/French Hall Disposition Exhibit "A"

Project Budget

The following is a list of anticipated expenses and income associated with the above described project.

Design and construction supervision services for new access road.	· · · · · · · · · · · · · · · · · · ·	Estimated Income	Estimated Expenses	Estimated Balance	
		. *	\$30,000		
2. Construction of new acc utilities.	ess roadway and associated			\$200,000	
3. Sale of French Hall			\$1,200,000	·	
4. Professional services				\$25,000	
5. Manchester Housing and Corporation annual adm				\$60,000	
6. Broker's commission on	sale @ 5%			\$60,000	•
	Total Income Estimated Expenses		\$1,200,000	\$375,000	
	Estimated proceeds from I	Project			\$825,000

COOPERATION AGREEMENT

This Cooperation Agreement (hereinafter referred to as the "Agreement") is made by and between The City of Manchester (hereinafter referred to as the "City") and the Manchester Housing Authority also known as Manchester Housing and Redevelopment Authority (hereinafter referred to as the "Authority") as and of Nov. 6, 2002.

WHEREAS, the Authority acting on its own or through its subsidiaries is authorized to develop industrial, manufacturing and other facilities pursuant to RSA 162:G and pursuant to RSA 292.

WHEREAS, the Authority is further authorized to develop or redevelop substandard or blighted land property, to acquire real property by eminent domain or purchase, and to issue bonds to pay for its projects pursuant to RSA Chapters 203 and 205.

WHEREAS, the Authority is also authorized to construct, carry out, maintain and operate housing projects, to acquire real property by eminent domain for such purposes, and to issue bonds to pay for such projects pursuant to RSA Chapter 203.

WHEREAS, the City is also authorized to issue bonds to pay for projects which develop industrial and manufacturing facilities pursuant to RSA Chapter 162-G and 203 and to pay for other projects pursuant to its Charter.

WHEREAS, the City is further authorized to issue bonds to finance projects permitted by RSA 203 and 205.

WHEREAS, the City and the Authority are authorized to enter into cooperation agreements to set forth their respective responsibilities under the statutes cited above.

WHEREAS, the City and the Authority have entered into various cooperation agreements

for various redevelopment and housing projects (hereinafter referred to as "Project" or "Projects") in the past, and wish to simplify and standardize the cooperation agreement process.

THEREFORE, the parties agree as follows:

- 1. The City and the Authority from time to time have identified needs for various Projects to insure the continued growth and prosperity of the City, to promote the general welfare, safety and health of its citizens, to promote the provision of residential, commercial, industrial, institutional and recreational buildings and facilities and other improvements, to enhance tax revenues and the financial stability of the City, and to provide new places of residence and employment for its citizens, and intend to identify further such Projects in the future.
- 2. The City and the Authority have, in the past, completed such Projects by various cooperation, and other agreements and desire to set forth in, this agreement one simplified and standard agreement between the parties.
- 3. All local municipal authority and financial responsibility with respect to Projects referred to herein are to be authorized by the Board of Mayor and Aldermen of the City and thereafter shall be overseen and monitored by the Aldermanic Special Committee on the Civic Center (hereinafter referred to as the "Special Committee") and through the Authority or its subsidiaries. The City and the Authority agree that the Projects shall be carried out through the Authority, or its subsidiaries, on behalf of the City as provided in the specific plans for each Project as may be approved by the Board of Mayor and Aldermen of the City.
- 4. The City will provide appropriate funding for the Projects as determined by the City and may require that private developers reimburse it for all or a portion of financial expenditures



and pay additional expenditures.

- 5. The Authority shall undertake the acquisition, relocation and construction of the Projects and the City, delegates to the Authority all of the power and duties with respect to the projects specified to be exercised by the Authority under the supervision of the Special Committee. The Authority accepts such delegation and agrees to exercise such power and its own powers and duties, or as agents of the City as specified in each Project description in order to complete the same and realize the public benefits resulting from the activities contemplated thereby. The City accepts financial responsibility for each Project, but only to the amount set forth in each Project description.
- 6. This Agreement shall be effective as of its date of execution and delivery; but shall not be executed until it has been approved by the City Solicitor and shall continue in full force and effect until terminated as provided herein.
 - 7. This Agreement may be amended only by written instrument of the parties hereto.
- 8. Prior to any Project to be undertaken in furtherance of this Agreement, such project will have received adequate review by appropriate City departments and shall have all terms and conditions with respect to the development, payment and any other relevant factors reviewed and approved by the City Solicitor and thereafter approved by the Board of Mayor and Aldermen.

 After such approval, the Board of Mayor and Aldermen shall refer the Project to the Special Committee and the Authority for execution and completion. Upon such approval, the Project shall be governed by the terms of this Agreement without further action by either party.

This Agreement may be terminated by either party for cause.

IN WITNESS WHEREOF, the City and the Authority, each being hereunto duly

authorized, have respectively caused this Agreement to be executed by their authorized officers and their seal to be hereunto affixed and authenticated as of the date first set forth herein.

ATTEST

CITY OF MANCHESTER

By: Leo Bernier Title: City Clerk

Name: Robert Baines

Title: Mayor

ATTEST

MANCHESTER HOUSING AUTHORITY a/k/a MANCHESTER HOUSING AND REDEVELOPMENT AUTHORITY

By: Dick Dunfey

Title: Secretary

Name: Marie E. Donohoe

Title: Chair

Date: November 18, , 2002.

Approved

Thomas R. Clark City Solicitor 7/15/03 BMA

Alderman Lopez

Alderman Lopez asked who is on the Energy Committee?

Alderman O'Neil

Alderman O'Neil answered they haven't been named yet. I spoke with the Mayor before we both went on vacation. We need to name a committee regarding baseball as well, and I'm drawing a blank, Your Honor, there might be a third.

Mayor Baines

Mayor Baines stated yes, why don't we do that this week and get that committee formed.

Alderman O'Neil

Alderman O'Neil stated by the meeting the first of August the committees will all be named and allowed to move forward.

Motion carried.

Mayor Baines called for a vote on the motion and there being none opposed, the motion carried.

Lease agreement between the City and the Manchester Community Resource Center.

Lease agreement between the City of Manchester and the Manchester Community Resource Center for a term of 18 months. (Forwarded under separate cover to Mayor and Aldermen, and available for viewing at the office of the City Clerk.)

Voted to approve the agreement and authorize approval of the City Solicitor.

On a motion of Alderman O'Neil, duly seconded by Alderman Sysyn, it was voted approve execution of same subject the lease agreement and authorize execution of same subject to the review and approval of the City Solicitor.

Mayor Baines

Mayor Baines addressed Item 21 of the agenda:

Cm. from the Manchester Housing and Redevelopment Authority.

Communication from the Manchester Housing and Redevelopment Authority submitting Project No. 2 under the Cooperation Agreement dated November 6, 2002 regarding disposition of French Hall and associated improvements.

Motion to approve Project No. 2 under the Cooperation Agreement with conditions submitted made and duly seconded.

Alderman Forest moved to approve Project No. 2 under the Cooperation Agreement between the Manchester Housing and Redevelopment Authority and the City with conditions submitted. Alderman O'Neil duly seconded the motion.

Alderman Shea

Alderman Shea stated we paid so much money for that particular project as we go back in time I believe we swapped properties with the UNH and so forth, and the City has a bonding, I believe Kevin you can help me out with this, but we have a bonding don't we in terms of paying off this particular project. Is that correct?

Mr. Clougherty

Mr. Clougherty answered I believe there was. My recollection is that there was.

Alderman Shea

Alderman Shea asked is there still money owed in that bonding that we have?

Mr. Clougherty answered yes I believe there is Alderman but I have to go back and check for Mr. Clougherty the exact...

Alderman Shea asked so that if for instance we were to then approve this, do we get the money back that we put in as far as taxes are concerned? I mean we taxed the people to pay for this through a bonding and are we going to get anything back?

Alderman Shea

Mr. Clougherty answered part of the way it works is Alderman, is it was modeled after what we had done at the airpark. Similarly where there was...but it was modeled after the Manchester airpark, where the thought was that the proceeds would go into a trust fund so that those dollars could go back into the project so that as you further developed up the line you would have a pool of money to make sure that that was completed and then at the completion of the development those dollars would be available to go back to the City.

Mr. Clougherty

Alderman Shea stated so basically what you're doing is you are regurgitating the funds so that as time goes on hopefully there will be other people coming and making some type of, or having an interest in that particular area. Is that correct?

Alderman Shea

Mr. Clougherty answered and what you get back is the valuation on the buildings as you're going along and that's the property taxes the valuation that affects that.

Mr. Clougherty

Alderman Lopez stated I've just got a couple of questions here and bring some things to attention here. I'm for selling French Hall, but I'd like to know if Manchester housing, if charging an administrative fee for the project unit No. 2 \$60,000. How can you come up with a figure of \$60,000? Is this a full-time person that's handling this as another employee of Manchester Housing?

Alderman Lopez

Mr. Ken Edwards, Assistant Executive Director with Manchester Housing and Redevelopment Authority replied we have used existing staff and prorated their salaries and estimated what we feel the time each would dedicate to bring this project to completion. We've already dedicated a pretty significant amount of staff time in the marketing, developing the RFP that resulted in the contract with CB Richard Ellis to market the property, and we... Traditionally the relationship between the Authority and the City with regard to these projects is for us to provide a budget to administer the programs on behalf of the City and then to report the actual costs that we track our time, we charge our time, the actual time spent for each individual on our staff who is working on this project and then we would report that actual cost to the City and make up whatever differences. If you note in

Mr. Ken Edwards

Alderman Lopez stated let me just interject. In November of...I think it was November 6^{th} if I looked at the number here. When the agreement went into effect, here it is six months

Alderman Lopez



7/15/03 BMA

Alderman Lopez

later. So for six months of work in doing this particular project, you're going to charge us \$60,000?

Mr. Edwards

Mr. Edwards answered no. What we're estimating is that that is the total cost of administrating the sale of French Hall, which will include from this point forward if you approve the sale, a purchase and sales agreement, a land disposition agreement, and then a supervision of construction to assure that they complete all of the improvements that they have proposed to complete, and issuing a certificate of completion at the end of the project, and the associated sundries, copying and clerical support and that kind of thing.

Alderman Lopez

Alderman Lopez stated I've just got a couple of things here. Like on this road construction in the Hackett Hill master plan that we paid X number of dollars for, it indicated the same thing you're going to do for \$220,000 it was estimated at almost \$600,000 in the master plan. Did you look at the master plan?

Mr. Edwards

Mr. Edwards replied yes.

Alderman Lopez

Alderman Lopez asked why the difference?

Mr. Edwards

Mr. Edwards answered the scope of the services...if the City adopts the master plan...

Alderman Lopez

Alderman Lopez interjected we adopted the master plan.

Mr. Edwards

Mr. Edwards stated no you haven't.

Alderman Lopez

Alderman Lopez asked Mr. MacKenzie?

Mr. MacKenzie

Mr. MacKenzie stated no the Board has not yet adopted the master plan.

Alderman Lopez

Alderman Lopez asked why do we have it then?

Mr. MacKenzie

Mr. MacKenzie replied there was a presentation to the Board, there was no activity on the land purchases, there's been some items that will probably be revised, and I believe the Economic Development office will be bringing that back into the Board revised for adoption in the next three months.

Alderman Lopez

Alderman Lopez stated I think when we received it and we go the report on the master plan, we accepted the report. That's not accepting it? I mean why would we pay all of this money and have a presentation on the master plan of Hackett Hill and we accepted it...so I guess where I'm going with this is, and I've talked to Mr. MacKenzie about this, we're talking we've got about \$7 million invested in this area, we're talking in the master plan of \$25 million more dollars for Hackett Hill and here we have the first phase coming in at \$220,000,

being charged \$60,000, and I just think it has to go back to staff and give us a better understanding of Hackett Hill as to where it's going. Like I said in the beginning, I'm in favor of selling French Hall. We can do that, but I have a couple of questions like I know that there's a million dollars hanging around in another fund in reference to Hackett Hill or economic development. MHA can't touch that; I want to make sure of that. And secondly, the trust fund, and I've spoken to Tom Clark, the trust fund the way I understand it we can do anything we want with the trust fund if we vote to take money out of there to do economic development. Would that be clarified tonight so the rest of the members of the Board understand that if we have X number of dollars in the trust fund, and we decide to take money out of there for economic development, and it does not pertain to Hackett Hill, that we can do that.

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Alderman Lopez

Mr. Clark stated there's a contract between the City and the Housing Authority that states that the proceeds from the sale of the property up at Hackett Hill will be placed in a trust fund held by the City of Manchester, which is held through the Finance Office, and that the City may use those monies as it deems fit for economic development.

Solicitor Clark

Alderman Lopez stated okay I want that cleared. Mr. MacKenzie the million dollars we've got hanging around for economic development. Where is that money?

Alderman Lopez

Mr. MacKenzie answered there's actually two accounts. One larger one that is nearly a million dollars, it was certain proceeds from the sale of lands for conservation and that has been placed in a CIP account. The other is an account, and I don't know the total amount, but that was revenues from the satellite dishes and other antennas on Hackett Hill, is going into a specific trust account.

Mr. MacKenzie

Mayor Baines stated could I just add. I think the plan always was, even though there's flexibility, that the money that was generated on Hackett Hill would go into the infrastructure on Hackett Hill, and a reminder to all of the Aldermen that that's out last best hope in terms of bringing in new development as opposed to redevelopment in the City and I would urge the Board not to touch those funds and leave them for their intended purpose, even though you could by vote. You could do a lot of things by vote, but I don't think that would be a wise thing to do.

Mayor Baines

Alderman Lopez stated the other point I wanted to bring out, Your Honor, is that if economic development comes up that we know where that money is...we can touch it...I have no intentions of touching it right now.

Alderman Lopez

Mayor Baines stated I hope ever.

Mayor Baines

Alderman Lopez stated we were told also the interchange and that's why it needs to be updated by staff to make sure that we're getting the best for our dollar if we're going to go

Alderman Lopez

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7/15/03 BMA

Alderman Lopez

forward with Hackett Hill. Now, since you've told me that this is not the plan then, then I assume the plan is out the window for Hackett Hill if we haven't accepted it. So either we have accepted the report as a plan or we have not. That's what I'm confused on. Can you help me out?

Mayor Baines

Mayor Baines stated well I can answer the question. The Board has not formally adopted the plan. It was presented for input and review, they are continuing to review it, and it will be coming forward for final adoption. Am I correct on that?

Alderman Lopez

Alderman Lopez asked but we continue to move forward with the phases of the plan?

Mayor Baines

Mayor Baines replied well the concept is there, right.

Alderman Lopez

Alderman Lopez stated we need to have staff to really update this and bring it back to the Board and see whether or not we want to spend \$25 million up there also.

Mayor Baines

Mayor Baines stated yes.

Alderman DeVries

Alderman DeVries stated Kevin Clougherty I have a question for you. Since we bonded \$1.887 back in 1999, at least that's what my notes are saying. The likelihood that we've paid that down to anything close to the \$1.2 that they're looking for us to accept for a purchase price is what? What would you estimate in the four years or it depends on when you sent those bonds out?

Mr. Clougherty

Mr. Clougherty answered I think it was a larger bond issue than that, and I'd have to go back and research that Alderman. But I don't think the \$1.2 million is the right number.

Alderman DeVries

Alderman DeVries stated right, so you're thinking that it is probably terribly high...

Mr. Clougherty

Mr. Clougherty interjected I think there's still bonds outstanding that may be higher than what you get for proceeds but again understanding that when the agreements were drafted up to continue the concept of using those dollars to perpetuate the redevelopment at the site that was...

Alderman DeVries

Alderman DeVries interjected I understand that, I'm just trying to determine if there are going to be any proceeds left from this when we get done. Because we're talking a \$1.2 million purchase price after they get done with the road construction, they're guessing that they're going to have \$825,000 left. Now if we bonded at 1.9 that's \$700,000 that we have to potentially make up. So it's leaving about \$100,000 left if we have to pay off...that's why I'm trying to find out. What can I expect that that may have been paid down with four years worth of payments? Can you give us a generalization?

Mr. Clougherty answered I'd prefer not to Alderman because what I'd like to do is as I said earlier, is go back, pull out the files, take a look at exactly what's happening there. You know I've just looked at this on this part of the agenda yesterday and come back to you with some accurate information rather than trying to guess tonight.

Alderman DeVries

Mr. Clougherty

Alderman DeVries stated I guess my further comment then is going to be...I mean if we're not selling our first property to set up the infrastructure for future properties, I'm not sure that this is something we should be jumping at today. So that's an essential piece of information to prove to us if this asking price is appropriate. Today's accessed value is sitting at \$1.4 million, so you're asking us to sell this for less than an assessed value on today's market. I'm not sure that's appropriate. I think I have a reply coming to me.

Mr. Clougherty

Mr. Clougherty replied the proceeds will go into a trust fund to be used for economic development. To be used at that project. Not to pay down the bonds.

Alderman Forest

Alderman Forest stated I'll ask Kevin a question in a minute, but the assessed valuation of the French Hall property was at \$1.3 million. Correct? Okay so I knew it was around there, and the offer was for how much? \$1.2 [million]?

Mr. Edwarde

Mr. Edwards replied on an asking price of \$1.3 [million].

Alderman Forest

Alderman Forest replied correct, and what are we talking about improvements to French Hall and the property?

Mr. Edwards

Mr. Edwards answered we're talking about a development which will...the existing French Hall is approximately 31,000 square feet. The proposal by the Workout Club is going to add a minimum of 49,000 square feet to that existing 31,000 square feet and if we give them the go ahead and enter into a purchase and sales, they are going to try and go to the bank with an addition of 79,000 square feet. Ultimately that's where...they want to be at 100,000 square feet on that site and hopefully can do it all in one phase. But what they've committed to is doing the 49,000, rehab of the existing building, and an addition of 49,000 square feet with the hope that they can afford to do the entire 79,000 square foot addition, which would make the whole project about 100,000 square feet.

Alderman Forest asked if this was for the Hackett Hill project, or was it just for French Hall?

Alderman Forest

Mr. Clougherty answered French Hall my recollection was a separate phase. But I'd have to go back again and check that Alderman. I haven't done that recently.

Mr. Clougherty

On a motion of Alderman O'Neil, duly seconded by Alderman Forest, it was voted to move the question.

Voted to move the question.

7/15/03 BMA

Motion carried.

Mayor Baines called for a vote on the motion to approve Project No. 2 under the Cooperation Agreement between the Manchester Housing and Redevelopment Authority and the City with conditions submitted. The motion carried with Alderman Wihby and Alderman Gatsas duly recorded in opposition.

Alderman Lopez

Alderman Lopez asked can we have staff at a reasonable period of time come back with the report on Hackett Hill of the \$25 million that we're going to be supposedly investing and where we're going with Hackett Hill.

Mayor Baines

Mayor Baines replied okay and that will need to be done.

Cm. from the Manchester Boys and Girls Club

Communication from the Manchester Boys and Girls Club requesting a waiver of the business license fee for the annual Dobles Chevrolet Class Car Show, which was held on June 22, 2003.

(Note: Fees cannot be waived under law.)

Voted to donate \$300.00 from civic contributions to the Manchester Boys and Girls Club. On a motion of Alderman Garrity, duly seconded by Alderman Guinta, it was voted to donate \$300.00 from civic contributions to the Manchester Boys and Girls Club to reimburse for the cost of the business license fee.

Mayor Baines

Mayor Baines addressed Item 23 of the agenda:

Cm. from Leona Dykstra. Communication from Leona Dykstra, Charter Commission Chairman, requesting that the Board place the question of adopting the proposed charter revision on the November 2003 General Municipal Election Ballot.

(Note: Final report of Charter Communication of Charter C

(Note: Final report of Charter Commission previously forwarded to Board of Mayor and Aldermen under separate cover and available for viewing in the Office of the City Clerk and on the website ci.manchester.nh.us).

Motion to place the question regarding the Charter on the November 2003 Municipal Election ballot made and duly seconded.

Alderman Wihby moved that the City Clerk place the question:

"Shall the municipality approve the charter revision recommended by the charter commission?"

on the November 2003 General Municipal Election Ballot consistent with RSA49-B:4. Alderman Garrity duly seconded the motion.

Alderman Forest

Alderman Forest stated this is for Tom. If we vote no on this, will this still be put on the ballot?

Solicitor Clark

Mr. Clark stated the law says that you have to place it on the ballot. If you voted no you'd be violating...

Alderman Forest

Alderman Forest asked if we voted no it would automatically go to the ballot?

Solicitor Clark

Mr. Clark replied if you vote no, you'd be violating the law.



Dick Dunfey Secretary/Treasurer

M A N C H E S T E R HOUSING AND REDEVELOPMENT CORPORATION

George N. Copadis President

William B. Cashin Vice-President

Marie E. Donohoe Trustee

Fred B. Kfoury, Jr.
Trustee

M. Mary Mongan Trustee

November 9, 2004

Henry Thibault, Chairman City of Manchester Lands and Buildings Committee One City Hall Plaza Manchester, NH 03101

RE: Sale of French Hall

Dear Chairman Thibault:

As a supplement to the Brooks Properties information we provided at the Board of Mayor and Alderman meeting on November 3, 2004, enclosed please find a copy of the Letter of Intent between Manchester Housing and Redevelopment Corporation and Brooks Properties regarding the sale of French Hall. If the City agrees to the sale, we will proceed with a Purchase and Sales Agreement and a Land Disposition Agreement, as we have done in past development projects for the City.

Thank you.

Sincerely,

MANCHESTER HOUSING AND REDEVELOPMENT CORPORATION

Dick Dunfey

Secretary/Treasurer

cc: Tom Clark Jane Hills

Bob MacKenzie









2 Wall Street, Manchester, NH 03101 603.626.0036 (p) 603.626.0249 (1)

LETTER OF INTENT

Seller:

Manchester Housing and Redevelopment Corporation (MHRC)

Buyer:

Brooks Properties and/or assigns, satisfactorily to MHRC which

shall not be unreasonably withheld.

Property Address:

220 Hackett Hill Rd Manchester, NH 03101

Purchase Price:

\$1,150,000 (One Million One Hundred Fifty Thousand Dollars)

Deposit:

\$60,000 upon acceptance of this Agreement, to be held in escrow by the

Sellers.

Additional Deposit: \$60,000 in additional deposit due upon completion of Due Dillgence.

Balance of

Purchase Price:

\$1,030,000 due at closing in the form of cash, certifled funds bank draft.

Transfer of Title:

90 (ninety) days from a fully executed Purchase and Sales agreement, or

sooner, at a mutually acceptable time and place.

Deed:

Marketable Title shall be conveyed by Warranty Deed and shall be free and clear of all encumbrances except usual public utilities serving the

property and restrictive covenants of records.

Possession:

Free of all personal property and encumbrances except as herein stated,

is to be given on transfer of title.

Title:

If Buyer desires an examination of title he shall pay the cost thereof. If upon examination of title it is found that the title is not marketable, this Agreement may be rescinded at the option of the Buyer and deposit shall be returned to the Buyer. Any tees related to recording instruments to

clear title shall be paid by the Seller.

Adjustments:

Taxes, special assessments, rents, water and sewage bills shall be

prorated as of day of Closing unless otherwise stated.

Property Included:

31,000 +/- SF office building on an 11+/- acre parcel, as referenced

above.

Due Diligence:

Buyer shall be granted a 30 (thirty) day due diligence period commencing from the time of the fully executed Agreement, to perform all analysis (financial and otherwise), investigations, inspections, environmental assessment, engineering or any other items which the Buyer considers

necessary to evaluate the property.

P&S2,brooks







development, with a local real estate broker, including listing in the NEW Hampshire Commercial Investment Board of Realtors.

Improvements shall be in accordance with the Northwest Business Park Development Plan and closing shall be contingent upon execution of a mutually satisfactory Land Disposition Agreement between Brooks Properties and Manchester Housing and Redevelopment Corporation.

SEEN AND AGREED TO BY:

Selter: Manchester Housing and Redevelopment Corporation (MHRC)

By: Without Agent

Date

Buyer: Brooks Properties and/or Assigns

By: It's Authorized Adept

Date

BROOKS PROPERTIES HISTORY & DESCRIPTION

BROOKS PROPERTIES was started by HAROLD J. BROOKS in 1972. Based upon his "hands-on" approach to development and construction and his intimate knowledge of the Merrimack Valley and Southern New Hampshire, he has been a successful developer/owner of commercial real estate and has created over 1.5 million square feet of commercial real estate holdings.

Brooks Properties has become one of the largest commercial, industrial, and development real-estate service providers in Northern Massachusetts and Southern New Hampshire. With locations along Interstate 93 in New Hampshire and Massachusetts, we have attracted many successful companies to the Merrimack Valley area. Our locations allow convenient access to the interstate and the surrounding communities.

Over 1.5 million square feet of property allows Brooks Properties the ability to meet the needs of small businesses as well as large. We take pride in our buildings and provide services to keep them well maintained. We are committed to developing properties that will enhance the communities that support the Merrimack Valley and Southern New Hampshire by designing and constructing buildings for those seeking quality and convenience.

Brooks Properties has consistently accomplished the following:

- Attracted and contracted leases with top notch National and International tenants, securing thousands of jobs!
- Maintains all it's properties with it's own maintenance company.
- The company has received numerous awards and letters of commendation for community service, including the Greater Lawrence Boys & Girls Club Auction "originator".
- Any new area the company has entered has been successful and continues to be the standard for competition.

Brooks Properties and it's family ownership has decided that the Manchester, New Hampshire area is designated as the company's target location for expansion.

We are pleased to make this proposal for the purchase and re-development at Hackett Hill.

BROOKS PROPERTIES has built and leased facilities for the following "Triple A" Tenants:

Wang Laboratories, Inc., Digital Equipment Corp., Alpha Industries, Andover Corp.,
Robus Products, Ralph Lauren/Polo, Fruedenberg of Germany, Malden Mills Industries,
Sears, Roebuck & Co., National Cash Register, Hewlettt Packard, Brinks, Walgreens,
Data General, T.E.A.C., Genesys Software Systems, First USA Paymentech, Bank One,
Cedar Point Communications, Access Health Northeast, BlueCross/BlueShield of Mass.,
Leeman Labs, Mass Eye & Ear Infirmary, General Services Administration, TEAC America,
American Training, Inc., Computer Town, Inc., Hadco Corp., Laidlaw Environmental Serv.,
Terminix International Co., Crotched Mountain Residential Services, Mobil Oil,
Nevins Library, NE HIDTA, Sprint Spectrum, Micro Touch Systems, Suntron,
Omtool Limited, Injured Workers Pharmacy, Quest Diagnostics, Ryder Systems, Kevlin Corp.,
Applicator Sales & Service, Southern NH University and Newpoint Tech., Inc. (Partial List)

Brooks Properties designed, built and installed the largest computer lab in Wang's history.

Brooks Properties has a history and reputation as the finest clean room design and build specialists in New England.

The Wang facility of 105,000 square feet was built turnkey with 650 Han Miller stations, cafeteria for 650 employees, and 85 miles of cable. This facility was built in 90 days from ground breaking to occupancy permit and under budget.

Brooks Properties completed the most under budget building in the history of Digital Equipment Company.



Tri-State Enterprises

3 SO. BEDFORD ST. MANCHESTER, N.H. 03101 TELEPHONE 603/668-4840

Rentals and Sales Monte Carlo & Vegas Nite Equipment Lucky Sevens Bingo Equipment Video & Amusement Games Restaurant Equipment

October 5, 2004

Board of Mayor & Alderman City Clerk 1 City Hall Plaza Manchester, NH 03101

Dear Mayor and Board of Alderman;

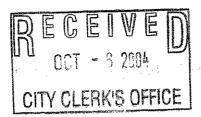
I would like to acquire the portion of South Bedford Street that was discontinued in front of my building at the corner South Commercial and South Bedford Streets.

Thank you for your time in considering my request.

Sincerely,

Nicholas Bonardi Tri State Enterprises

Owner





City of Manchester Office of the Tax Collector

City Hall
One City Hall Plaza - West
Manchester, New Hampshire 03101 Joan A. Porter
(603) 624-6575 (Phone) Tax Collector
(603) 628-6162 (Fax)

Memorandum

DATE:

October 12, 2004

TO:

Land & Building Committee

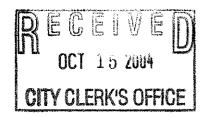
FROM:

Joan A. Porter, Tax Collector

RE:

S Bedford St @ S Commercial St

As the above-referenced property is not a tax-deeded parcel, the Tax Collector's office has no interest in the sale of this property.







Robert S. MacKenzie, AICP Director

CITY OF MANCHESTER

Planning and Community Development

Planning Community Improvement Program Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

October 29, 2004

Committee on Land and Buildings Honorable Board of Mayor and Aldermen City Hall - One City Hall Plaza Manchester, N.H. 03101

RE: Request by owner of TM 274, Lot 7A, to acquire a discontinued portion of South Bedford Street

Dear Committee Members:

This is to provide a report pursuant to Section 34.20 pertaining to the above-referenced city-owned land. The Board of Mayor and Aldermen, on August 31, 2004, approved a petition to discontinue the southernmost portion of South Bedford Street running immediately before the above referenced parcel owned by Nicholas Bonardi "subject to reserving any and all utility easements". The City continued to own the property upon discontinuance. More recently, Mr. Bonardi has communicated with the City asking for permission to acquire the subject discontinued property.

Surplus Determination:

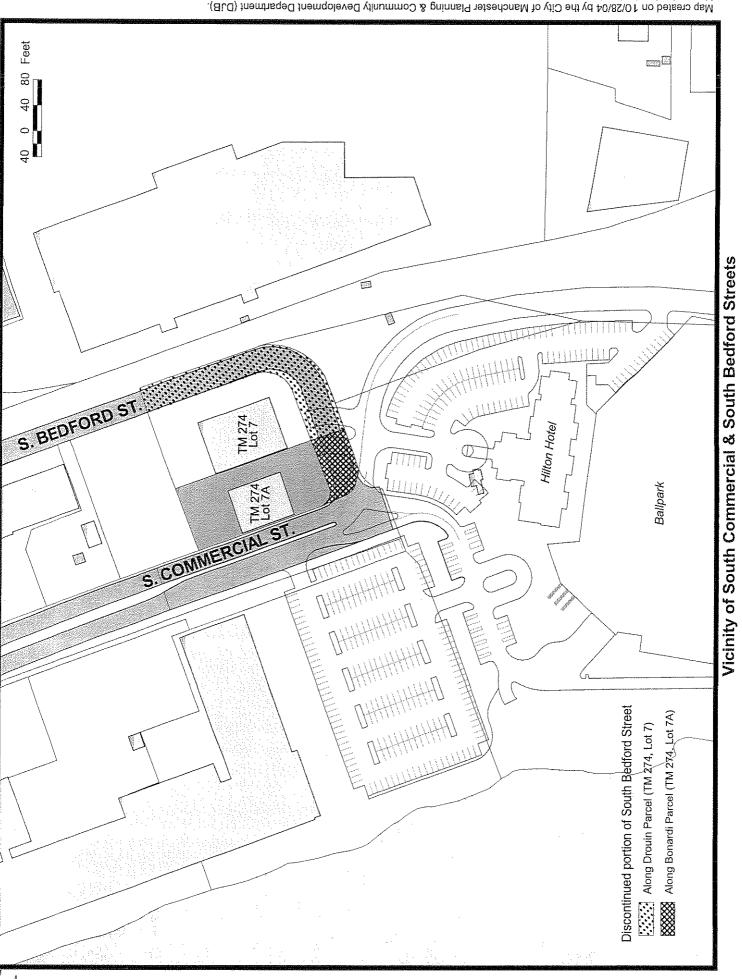
The Planning Department has reviewed the lands in question and communicated with the Highway Department and City Clerk's Office about this matter and we have determined that there are no known City uses for the parcel. As such, we recommend that it be declared "surplus" city land.

Disposition: Given the City's need for an increased property tax base, the most practical method of disposing of this city-owned parcel would be to sell it to its only direct abutter, Mr. Bonardi, with the condition that it be consolidated into Mr. Bonardi's existing parcel at TM 274, Lot 7A. The Committee may wish to consider this option.

Sincerely,

Robert S. MacKenzie Director of Planning

> One City Hall Plaza, Manchester, New Hampshire 03101 Phone: (603) 624-6450 FAX: (603) 624-6529 E-mail: planning@ci.manchester.nh.us www.ci.manchester.nh.us



Map created on 10/28/04 by the City of Manchester Planning & Community Development Department (DJB). Map scale: One inch = 150 feet.

From: Franjo Livancic 225 Pasture drive Manchester, NH 03102 (603) 669-8257 - Home

(603) 621-5054 - Work

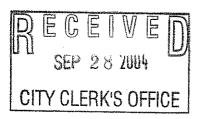
To:

In regards to the small city owned lot between 225 Pasture drive (MAP #889 LOT #1-14) and 207 Pasture drive. They had planned on building a rode and plan for the rode fell through. Now I have a small lot beside my house that's not being maintained and I feel it's devaluing my property. I would like to know if I can have permission from the city of Manchester to purchase this small parcel of land (if it is not a lot of money). If is parcel to expensive I would like to know if I can just fenced the parcel and maintain. Therefore if I buy parcel the city will get extra taxes and it will be maintained or if I gat permission to use the parcel will be maintained.

9/23/04

Thanks for your help.

Franjo Livaneic.



IN BOARD OF MAYOR & ALDERMAN

DATE: October 5, 2004

ON MOTION OF ALD. O'Neil

SECONDED

Forest

informational - referred to the VOTED TO Cmte, on Lands and Buildings.

September 29, 2004

Manchester, NH 03104

Leo R. Bernier

90 River Road

The Honorable

Board of Mayor and Aldermen
One City Hall Plaza

Manchester, NH 03101

Honorable Members:

I am requesting the City to allow me to acquire land abutting my property at 90 River Road for whatever fair market value the City determines reasonable. The parcel is known as Tax Map 0415, Lot 001, and if purchased would place the property on the tax roles.

Should the City require, I am willing to grant any easements necessary to complete the sale of this property. My intention in acquiring the property at this time is to retain enough footage to allow me to place a garage on the property, raising the house if necessary. Any and all future work would be done within the constraints of law.

As the only abutter having a logical interest in the property, which presently serves no real value to the City, I hope the City will seriously consider my request.

Sincerely,

Leo R. Bernier

L. R. Berner

The Sargent Museum

of

Archaeology and Anthropology

Collection Storage P. O. Box 4212 Concord, NH 03302 Exhibits & Fundraising 1045 Elm St., Suite 303 P. O. Box 268 Manchester, NH 03105 (603) 627-4802

October 6, 2004

Land and Buildings Committee C/o Mr. David Beauchesne City of Manchester Planning and Community Development One City Hall Plaza Manchester, NH 03101

Re: Archaeological Potential Parcel TM415 - Lot 1

Dear Land and Buildings Committee:

I am writing you both as a professional archaeologist and as President of the Sargent Museum of Archaeology and Anthropology. The recent subdivision of the Brady-Sullivan Tower parcel has attracted considerable attention from the New Hampshire archaeological community. This is because it is the location of two of the most significant archaeological sites (Smyth and Neville) found in northern New England. The Sargent Museum would like access to the above referenced lot for archaeological testing. The reasons are presented below. We would like to do this testing this month as part of the annual Archaeology Month celebration we organize every October.

The extreme importance of the archaeological record on the east bank of the Merrimack at Amoskeag Falls is always in the back of the archaeologist's mind. Individuals that participated in the 1968 excavations reported that there were intact pieces of the Smyth Site that survived the construction. A 1980's preliminary testing project documented archaeological deposits between River Road and the tower parking lots and in several yards to the north. A Sargent Museum archaeological review of the Manchester Armory property also produced evidence of surviving archaeological deposits. My own thirty-one year career has taught me that it is almost impossible to completely destroy an archaeological site. Undoubtedly significant information remains in the vicinity of these two sites.

First some history of research at Amoskeag. When the Amoskeag Bridge was replaced in 1968 (and the Smyth Mansion was demolished for expansion of the then New Hampshire Insurance Co. building) three extensive archaeological excavations were conducted. Howard Sargent conducted the federally required salvage project for the bridge and road replacement. Two New Hampshire Archaeological Society (NHAS) excavations were conducted on private property. One was placed around the Smyth Mansion—now the western most parking lot behind the Brady-Sullivan Tower. The other NHAS work was in the yard of the Neville house on River Road. The Neville house was located just northwest of the old Amoskeag bridge intersection with River Road. This location is now under the bridge ramps, only a few hundred feet from the lot in question.



The Smyth Site produced a massive amount of archaeological data and artifacts primarily relating to the last 3,000 years of Indian occupation at Amoskeag. The main use of the site appears to be as the 16th and 17th century location of the major Penacook village of that period. Smyth was undoubtedly Passaconaway's village as documented by the Woods map of 1634.

The Sargent Museum holds the bulk of the artifacts and data from the Smyth Site – approximately 800 banker boxes of material including a ninety-five percent complete clay pot. This pot is the most complete specimen from a New Hampshire site. The Smyth data has never been completely analyzed or interpreted as a result of the massive quantity. Now, completing this work has become one of the major tasks of the Sargent Museum. It will take many years of work to fully understand the material but it is obvious from a few trial reviews that this data will ultimately rewrite the Indian history of New Hampshire.

The Neville Site was excavated by the late Peter McLane and resulted in one of the most important discoveries for New England archaeology. Neville produced clearly defined occupations going back 8,000 years. The site is now one of the most famous in the northeast after the publication of "The Neville Site: 8,000 years at Amoskeag" by the Harvard Peabody Museum in 1976. Neville produced the equivalent of a New England Rosetta stone with its indisputable record of changes in tool style and manufacture. The sequence of tool styles at Neville allowed archaeologists to quickly date numerous sites across the region for the first time.

With that in mind the Sargent Museum has begun investigating the potential for a public archaeology program in the Smyth-Neville area. This brought the River Road parcel to my attention. My understanding is that the lot is owned by the City of Manchester as a tax deeded parcel. I also understand that the City does not desire to hold such properties for the long term. The lot in question includes a small area of ancient river terrace that appears mostly undisturbed (on the basis of the mature trees present). This terrace falls between the elevations of the Smyth and Neville Sites.

Archaeologists strive to leave portions of important archaeological sites for future researchers and improved methods and technology. Current archaeological and scientific techniques applied to portions of these sites are likely to yield significant information about who lived here and how they lived, both questions that archaeologists still cannot answer with certainty. Yes we can say the Penacook (or Abenaki for some) lived here but we really do not know who the Penacook were or who the Abenaki are. From the evidence I have seen in the Smyth collection there may be some answers in these sites that will surprise us all. If our testing reveals no archaeological deposits there will no longer be any interest in this lot. If there are important deposits present then that fact would, we hope, require consideration as part of any future sale or transfer of the property.

I thank you for your time and attention to this matter. If you require more information please do not hesitate to contact me at 627-4802 or via my cell phone at 496-7507. I implore you to try to give us an answer regarding access for testing as soon as possible as we would like to do this as a public archaeology project utilizing local volunteers. The field season is rapidly drawing to a close and we would like to do it as part of our October events.

Sincerely,

Wesley R. Stinson

President



City of Manchester Office of the Tax Collector

City Hall
One City Hall Plaza - West
Manchester, New Hampshire 03101 Joan A. Porter
(603) 624-6575 (Phone) Tax Collector
(603) 628-6162 (Fax)

Memorandum

DATE: October 14, 2004

TO: Land & Building Committee

FROM: Joan A. Porter, Tax Collector

RE: L River Rd

As requested, the following contains information regarding the Tax-Deeded property located at: L River Rd

Prior Owners: John Neville

Map/Lot: Map 0415 Lot 0001

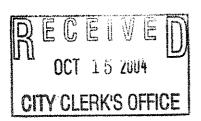
Lien Date: 05/10/1991

Deed Date: 06/21/1993

Recorded Date: 06/22/1993 Book/Page: 5445/0447

Back Taxes \$5,434.38 (not including interest and costs)

I do not have any objections to the disposition of this property.







Robert S. MacKenzie, AICP

CITY OF MANCHESTER

Planning and Community Development

Planning Community Improvement Program Growth Management



Staff to: Planning Board Heritage Commission Millyard Design Review Committee

November 8, 2004

Committee on Land and Buildings Honorable Board of Mayor and Aldermen City Hall - One City Hall Plaza Manchester, N.H. 03101

RE: Request by owner of TM 415, Lot 2 (90 River Road), to acquire abutting city-owned parcel TM 415, Lot 1

Dear Committee Members:

This is to provide a report pursuant to Section 34.20 pertaining to the above-referenced city-owned land.

The City has received a written request from Mr. Leo Bernier, of 90 River Road, asking for permission to acquire the abutting City-owned parcel located immediately to the south of his property. Mr. Bernier's 90 River Road property is 7,755 s.f. is size (0.18 ac.) and contains a single family residence with outdoor parking. He is seeking to acquire the abutting lot in order to gain enough square footage of land to allow for the construction of a new garage and an expansion in the size of his house. The City-owned parcel is 16,147 s.f. in size (0.37 ac.) and is very steeply sloped away from River Road toward the railroad tracks which run past the rear of the property; only the northeasterly portion of this parcel could be used for building activities.

Separate from Mr. Bernier's request, the City has also recently received a request from Manchester's Sargent Museum of Archaeology and Anthropology seeking permission to access the City-owned lot in order to carry out appropriate archaeological testing. Their apparent goal is to determine whether the City-owned lot, which sits on a terrace between and in immediate close proximity to the previously tested Smyth (1968) and Neville archaeological sites, is worthy of being acquired by the Museum for long-term archaeological preservation and study. The so-called Smyth site, which is located in the immediate environs of the Brady-Sullivan Tower parking lot directed across the street from the subject parcel, has been determined to be the site of Abenaki sachem Passaconaway's village on the bluffs above the ancient Amoskeag Falls, and the Neville site, which is located in the immediate area of the Amoskeag Bridge support abutments a few feet directly to the south of the subject parcel, has been determined to be the equivalent "of a New England Rosetta stone" because of its rich record of archaeological information. Both the Smyth and Neville sites have been determined by experts (see attached letter from The Sargent Museum) to be of the highest importance for the study and understanding of Native American archaeology in the northeast United States.

In seeking to understand the issues at hand, the Planning Department has determined that both Mr. Bernier's proposed use for the City-owned property and the Sargent Museum's desire to study and safeguard the potential archeaological treasure associated with that same property are not incompatible. As noted above, Mr. Bernier could only use a small portion at the northeastern end of the City-owned property for building purposes and he has (a) indicated in writing that he would be "willing to grant any easements necessary to complete the sale of the property", and (b) verbally indicated that he would be interested in working out a suitable archaeological use easement with *The Sargent Museum* if he were to acquire the City-owned property.



One City Hall Plaza, Manchester, New Hampshire 03101 Phone: (603) 624-6450 FAX: (603) 624-6529 E-mail: planning@ci.manchester.nh.us www.ci.manchester.nh.us

Surplus Determination:

The Planning Department has reviewed information about and visited the City-owned parcel in question and has communicated with Mr. Bernier and The Sargent Museum about this matter. We have determined that there may be a City conservation use for the parcel which would be archaeological in nature. As such, we recommend that the parcel not be declared "surplus" until after preliminary site testing be carried out by appropriate archaeological experts to determine the general conservation worthiness of the parcel.

Disposition:

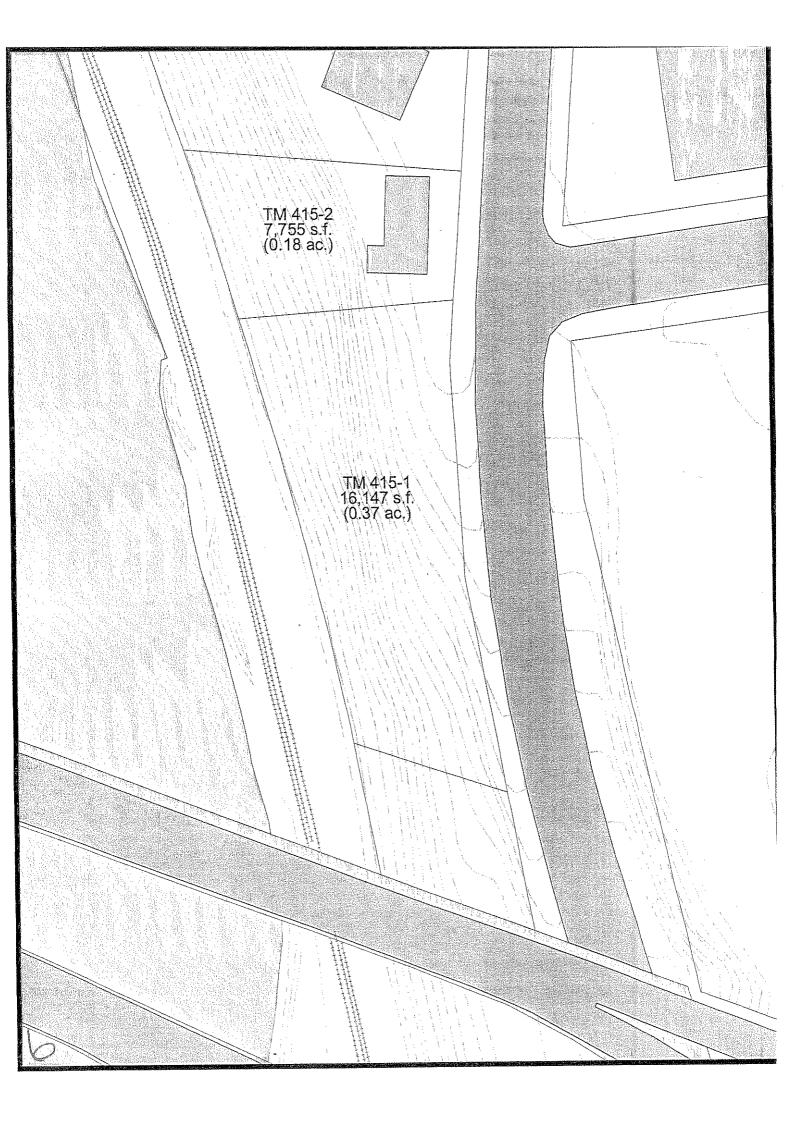
Typically, we would agree that, given the City's need for an increased property tax base, the most practical method of disposing of this city-owned parcel would be to sell it to Mr. Bernier, its only direct abutter. However, in the current instance, appropriate caution is called for and we recommend that prior to deciding on a final disposition for the property the Committee first get the following information:

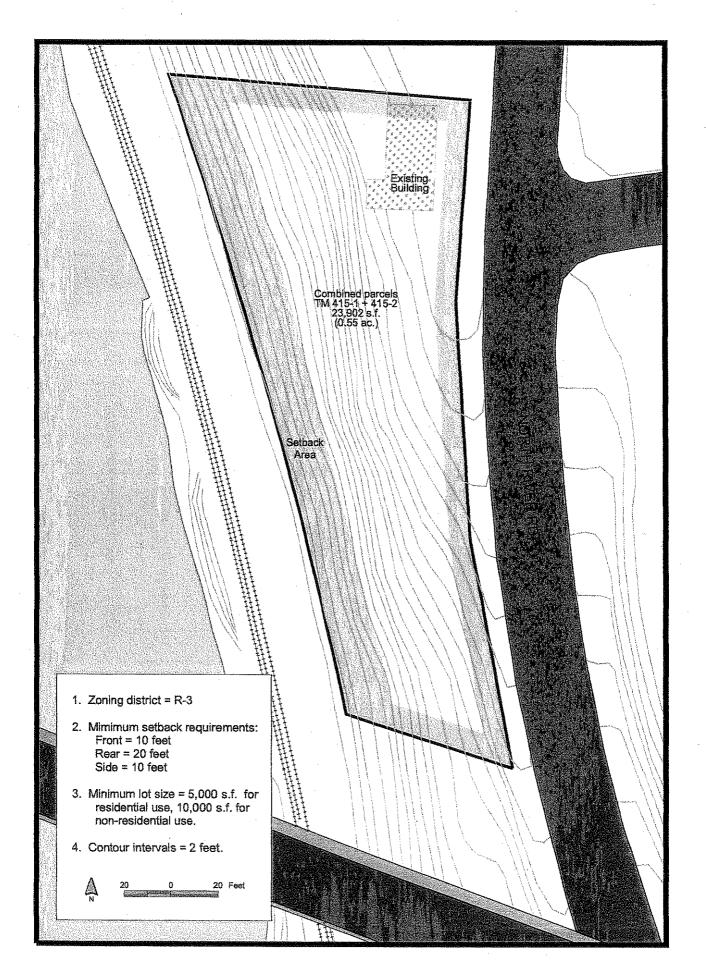
- (a) Delivery to the City of a report discussing the outcome of a preliminary archaeological study on the subject parcel to be carried out by The Sargent Museum, and
- (b) The City's receipt of the results of mutually beneficial private-sector discussions between Mr. Bernier and The Sargent Museum. We think that these two worthy parties would eventually offer the City an appropriate partnership plan for use of the subject parcel.

The Committee may wish to consider these options.

Sincerely.

Robert S. MacKenzie Director of Planning





C



City of Manchester Department of Highways

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Commission

Edward J. Beleski
- Chairman
Henry R. Bourgeois
William F. Kelley
Michael W. Lowry
William A. Varkas

Frank C. Thomas, P.E. Public Works Director

Kevin A. Sheppard, P.E. Deputy Public Works Director

October 14, 2004

Board of Mayor and Aldermen Lands and Buildings Committee One City Hall Plaza Manchester, New Hampshire 03101

RE: REQUEST OF LEO R. BERNIER TO PURCHASE TAX PARCEL 415-001

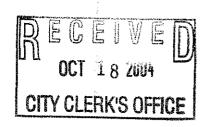
Committee members:

We have reviewed the records for the parcel known as 415-001. The parcel is bounded southerly by land the State of New Hampshire purchased for the Amoskeag Bridge, easterly by River Road, westerly by the land of the B&M Railroad and northerly by Mr. Bernier's property, shown as 415-002.

It does not appear the Highway Department has any practical use for the parcel, other than the existing easement cited below. The topography is very steep on this parcel, dropping about 40' from River Road to the railroad land. Therefore, we have no objection if the parcel is sold.

In reviewing the deeds for this parcel, it was noted:

- John F. Neville conveyed the southerly portion of his land to the State of New Hampshire for the Amoskeag Bridge; his remaining land became tax parcel 415-001.
- John C. Neville and Karlene N. Wadleigh conveyed a sewer easement for the "Northeast Interceptor" over this parcel (415-001) to the City. The easement deed is recorded at Hillsborough County Registry of Deeds book 5180 page 559.
- The tax collector deed cites the owner as John F. Neville.





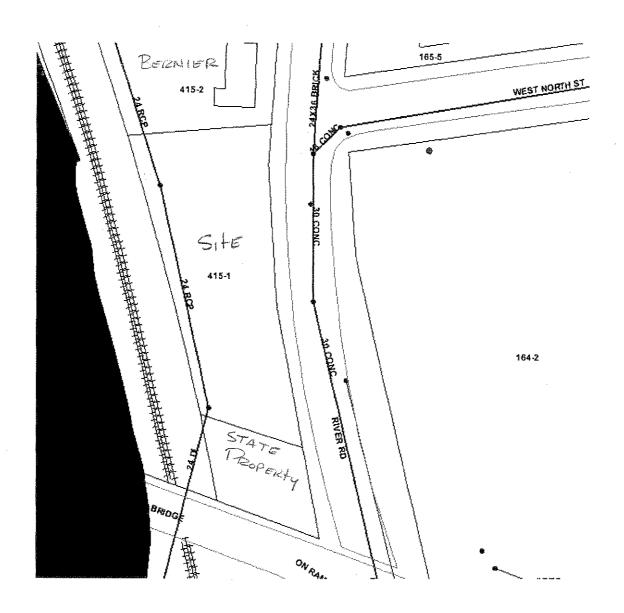
If you have and questions, I can be reached at 624-6444 extension 301.

Sincerely,

Frank Thomas, P.E. Public Works Director

MJM cc: File







CITY OF MANCHESTER Office of the City Clerk



Leo R. Bernier City Clerk

Carol A. Johnson Deputy City Clerk

Paula L-Kang Deputy Clerk Administrative Services

Matthew Normand Deputy Clerk Licensing & Facilities

Patricia Piecuch Deputy Clerk Financial Administration

September 27, 2004

Henry R. Thibault, Chairman Committee on Lands & Buildings One City Hall Plaza Manchester, NH 03101

Re: Installation of Replica Clock

Dear Mr. Chairman and Committee Members:

As part of the City's renovation/restoration of the City Hall Complex which was completed in 1999, part of the restoration included the placement of an "old time" clock formerly housed at the Mall of New Hampshire.

This old "timer" is a replica of the clocks that used to grace Elm Street back 50 to 100 years ago and it will now be placed on Stark Street in proximity to the City Hall Complex which also has the old fashioned street lamp posts.

Please note that the costs involved will be minimal and we anticipate donations to be forthcoming and use of this department's special projects account.

Sincerely,

Leo R. Bernier

Lud Berner

City Clerk



Robert S. MacKenzie, AICP Director

CITY OF MANCHESTER

Planning and Community Development

Planning Community Improvement Program Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

November 8, 2004

Lands and Buildings Committee City Hall Manchester, NH 03101

Re: Blacksmith Shop on Second Street

Honorable Committee Members:

A For Manchester group has been interested in acquiring the Blacksmith Shop on Second Street for preservation. It has requested funding for this acquisition from the SEPP (Supplemental Environmental Protection Program) which is funded from sewer use fees. The acquisition cost would be between \$250,000 and \$300,000.

In my opinion, the property is worth considering for acquisition. It is located on Bass Island, which is in a "Regulatory Floodway", it is a historic building and it is located across from a City park – Bass Island Park. There are, however, three issues which would have to be resolved.

- 1) Eligibility for SEPP Funding. One of the main purposes of the SEPP agreement was for land conservation. It should be determined whether this parcel which contains a building would be consistent with the SEPP program. The SEPP Committee would make this determination (this committee also includes representatives of the EPA and State DES, the City's two partners in the overall CSO/SEPP agreement)
- 2) Funding Amount. The SEPP committee has committed \$100,000 for land protection on Bass Island. The committee in conjunction with the City's EPD would have to determine whether there are adequate funds to cover the cost of acquisition.
- 3) Ownership entity. There should be a review of the proper ownership of the property. This would include a determination of an adequate maintenance plan with budget and proper use plan. This would be consistent with the ownership and management of the Hackett Hill preserve which was acquired with SEPP funds.

I am seeking the Board's concurrence with this approach.

Robert S. MacKenzie Director of Planning

Sincerely

C: Mayor Robert A. Baines Thomas Clark, Esq. Thomas Seigel Jane Beaulieu



One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 FAX: (603) 624-6529
E-mail: planning@ci.manchester.nh.us
www.ci.manchester.nh.us



CITY OF MANCHESTER

Manchester Economic Development Office



MEMORANDUM

DATE:

June 29, 2004

TO:

Hank Thibault, Chairman

Lands & Buildings Committee, Board of Mayor and Aldermen

FROM:

Robert S. MacKenzie, Planning Director

Jane F. Hills, Assistant Economic Development Director

RE:

Hackett Hill Business Park Master Plan

Attached to this memo are materials that represent City staff's analysis and response to the concerns raised by the Sierra Club regarding the Hackett Hill Business Park Master Plan.

We believe that the development of the Park as delineated in the Master Plan is still appropriate for the City, and we recommend that the Lands & Buildings Committee recommend its adoption by the Board of Mayor and Aldermen, as well as the approval of the related development agreement with the Manchester Housing and Redevelopment Corporation.

MANCHESTER OFF CLER



CITY OF MANCHESTER

Manchester Economic Development Office



June 29, 2004

Hank Thibault, Chairman Committee on Lands & Buildings C/o City Clerk's Office One City Hall Plaza Manchester, NH 03101

Chairman Thibault and Committee Members:

At the meeting of the Lands & Buildings Committee held on February 17, 2004, the Sierra Club presented their argument for zero development of the City-purchased land on Hackett Hill, citing concerns that the taxpayers of Manchester would be adversely affected by the business park's construction, rather than benefiting from the new tax dollars the park would generate.

City staff has reviewed the alternate pro formas of this development presented by the Sierra Club, and we believe that the assumptions used do not represent the City of Manchester. Those assumptions are based on a rural situation where additional residential development must take place to accommodate new jobs. In a developed city of over 100,000, where municipal services and systems already exist, an incremental method of estimating costs is more appropriate and accurate.

The Sierra Club contends that 75% of the 5600 potential employees at the business park will create new households in Manchester and that this will result in additional indirect costs to service these new households and the 0.67 school aged children in each. We do not think this is reasonable for the following reasons:

9

One City Hall Plaza, Manchester, NH 03101 Phone (603) 624-6505 Fax (603) 624-6308 E-mail: econdev@ci.manchester.nh.us www.ci.manchester.nh.us

- The 2000 U.S. Census indicates that of the 54,808 employed residents of Manchester, 26,139 are employed outside the City. When new jobs become available at Hackett Hill, this is a huge potential pool of employees that are already living here and who would prefer to work in Manchester rather than commute.
- The City of Manchester is almost fully developed; there is very little vacant land left on which to build new residences, so even if employees in the business park moved to the area, they are likely to locate in adjacent towns where they will receive residential services.
- Currently there are almost 1500 vacant housing units in Manchester, and over 1000 new housing units are under construction or have been approved. These existing units could absorb a large percentage of the employees of the new business park.
- The Sierra Club's assumption of an average of 0.67 school-aged children per new household is high. In fact, the average number students per single family housing unit in Manchester is 0.588, while multifamily units generate an average of only 0.18 students per unit. (U.S. Census data)

For these reasons, we do not believe that the development of a business park at Hackett Hill would result in significant school impacts or other additional indirect costs to the City.

Regarding direct costs of the development, we have developed the enclosed spreadsheet showing our best estimate of actual additional costs to the City to service the business park itself. In doing so, we have spoken with the three largest City departments regarding their estimates of the cost of servicing the Park.

The total additional estimated municipal expenses related to the Hackett Hill Business Park are \$430,287 per year when the park in fully developed, based on the FY2004 budget numbers. The estimated new square footage of development at the park is 1.3 million square feet, giving a municipal cost ratio of \$331/1000 square feet. Thus, using this method of evaluation, the actual additional municipal costs are only slightly higher than those in the pro forma presented previously by City staff and our consultant Gordon Leedy from VHB, Inc. The attached revised pro forma, using methodology discussed above, still results in a "bottom line" of a positive cash flow to the City from the development at Hackett Hill.

It should also be noted that other development projects in the city have never been required to perform this degree of analysis

of the impact a project would have on overall city costs. If development always resulted in municipal costs greatly exceeding new tax revenues, as the Sierra Club's assumptions suggest, the result in the long term would be either community bankruptcy or impossibly high tax rates; neither of these has occurred as communities throughout the country continue to develop.

The preservation of open space is a worthy goal and one which Manchester has historically espoused. At Hackett Hill we have already set aside almost 600 acres of environmentally sensitive land now owned and managed by the Nature Conservancy. Hackett Hill had been developed as originally planned by the University System of New Hampshire, it is likely that most of this preserved land would have been developed for classrooms, dormitories and parking lots. The City of Manchester has already agreed to keep over 60% of Hackett Hill as preserved open space. We need to use the remainder to increase the tax base and employment for the City.

Therefore, we request that the Lands & Buildings Committee endorse the Hackett Hill Master Plan as presented, as well as the previously-presented documents establishing the contractual relationship between the City of Manchester and the Manchester Housing & Redevelopment Authority for the development activities required for the park.

Very truly yours,

Robert S. MacKenzie

Planning Director

Jane F. Hills

Assistant Economic Development Director

ave F. Wills

DRAFT

6/16/2004 1:13 PM Hackett Hill Municipal Cost

Municipal Cost Evaluation Full Build

6/15/04

		1	599			
	2004 Adopted	2004 Estimated	Evaluation	Estimated	Estimated	
AGENCIES-	Revenues	Revenues	Technique	Costs	Revenues	
ALDERMEN	142,388	150,000	%Assessed	2,687	2,830	
ASSESSORS	631,986	579,154	%Assessed	11,924	10,927	
BUILDING	1,260,600	2,080,600	%Assessed	23,785	39,257	
CITY CLERK	1,316,166	1,660,875	%Assessed	24,833	31,337	
MEDO	172,000	905,901	%Assessed	3,245	17,092	
CITY SOLICITOR	966,810	319,956	%Assessed	18,242	6,037	
FINANCE	1,257,166	5,552,640	%Assessed	23,720	104,767	
INFORMATION SYSTEMS	2,023,868	31,982	%Assessed	38,186	603	
MAYOR	274,060	5,171	%Assessed	5,171	98	
YOUTH SERVICES	538,764	0,,,,	NA NA	3,171	0	
HUMAN RESOURCES		1	%Assessed	1	396	
	1,048,169	21,000	26	19,777		
PLANNING	939,798	320,000	%Assessed	17,732	6,038	
BUILDING MAINTENANCE DIV	5,615,081	4,950,617	Special1	52,972	46,704	
TAX COLLECTOR	704,795	15,680,000	%Assessed	13,298	0	
FIRE	19,581,334	324,450	Special2	92,365	1,530	
POLICE .	19,292,743	1,922,905	Special2	273,011	27,211	
HEALTH	3,071,406	1,847,672	Special1	28,976	17,431	j
HIGHWAY	18,252,967	3,555,356	Special2		# 18,527	1
TRAFFIC	3,267,245	4,920,593	Mileage		# 25,641	
WELFARE	1,307,294	133,000	NA	0 17,020 #	0	
PARKS & RECREATION	3,308,024	655,375	Special2	15,604	3.091	
MCTV		053,375			-,	1
	402,019	45.55	%Assessed	7,585	0	
LIBRARY	2,398,640	45,257	%Assessed	45,257	854	ŀ
ELDERLY SERVICES	295,473	0	NA NA			
SUB-TOTAL AGENCIES:	88,068,796	45,662,504	%	773,922	360.372	0
	<u>: — — — — — — — — — — — — — — — — — — —</u>	10,000,000	/	(13,322	360,512	
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MATURING DEBT INT ON MATURING DEBT CIVIC CONTRIBUTIONS NON-CITY PROGRAMS	5,864,924 125,700 68,089	0 0 0	Overal chart %Assessed %Assessed	2,372 1,285	0	
MATURING DEBT INT ON MATURING DEBT CIVIC CONTRIBUTIONS NON-CITY PROGRAMS CONSERVATION COMMISSION	5,864,924 125,700 68,089 13,202	0 0 0	Overal chart %Assessed %Assessed %Assessed	2,372	0 0	0 1
MATURING DEBT INT ON MATURING DEBT CIVIC CONTRIBUTIONS NON-CITY PROGRAMS CONSERVATION COMMISSION COMMUNITY IMPROVEMENTS	5,864,924 125,700 68,089 13,202 1,612,215	0 0 0 0	Overal chart %Assessed %Assessed %Assessed NA	2,372 1,285 249 0	0 0 0	
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MATURING DEBT INT ON MATURING DEBT CIVIC CONTRIBUTIONS NON-CITY PROGRAMS CONSERVATION COMMISSION COMMUNITY IMPROVEMENTS	5,864,924 125,700 68,089 13,202 1,612,215	0 0 0 0	Overal chart %Assessed %Assessed %Assessed NA	2,372 1,285 249 0	0 0 0	0
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Evaluation Techniques

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[%]Assessed = Estimated added taxable property resulting from development/total valuation of the City
*Special1 = One half of the % assessed number
**Special2 = Per conversations with the largest departments, \$20,000 for Highway, and three quarters of the % assessed number for Police,

and one quarter of the % assessed number for Fire and Parks & Recreation

Mileage = Incremental costs of serving additional 2.1 miles of roadway within the park, based on 400 total City miles.

0 = no additional costs for School Department, Youth Services of Welfare to service the park

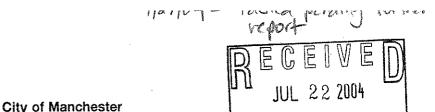
^{*}Costs to the BMD and Health will be lower since the activities of these departments are heavily concentrated in the schools, which will not be affected by the business park development.
**Costs to Police, Fire and Parks & Recreation will be less due to because most of the demand for services of these departments are generated by residents.

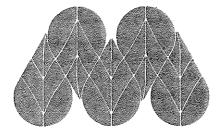
Hackett Hill Master Plan

Preliminary Development Pro Forma

											F	40 Ke- 40 V.
Year 1 Year 2 Year 3	Year 3		Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	16 Year 12	Total for 12 Yr. Period
\$200,000 \$0 \$2,031,000 \$775,000 \$333,000 \$112,000 \$0 \$187,200 \$86,400 \$0 \$39,250 \$86,400 \$100,000 \$100,000 \$100,000 \$0 \$12,000 \$12,000	\$2,031,0 \$112,0 \$86,4 \$100,0		\$0 \$165,000 \$145,600 \$178 \$100,000	\$0 \$0 \$0 \$0 \$0 \$100 \$0 \$165,500	\$0 \$6,773,000 \$1,000,000 \$0 \$0 \$100,000 \$165,500	\$0 \$368,000 \$342,400 \$230,370 \$1000 \$165,500	\$0 \$98,000 \$78,400 \$31,436 \$10,000 \$378,000	\$0 \$83,300 \$67,200 \$100,000	\$0 \$0 \$17,920 \$142,400 \$100,000	\$0 \$17,920 \$142,400 \$1		300,000 9,014,000 2,370,140 1,192,000 301,234 1,100,000
\$785,000 \$671,450 \$2,412,150		ì	\$518,353		\$8,038,500	\$1,206,270	\$585,876	\$555,020	\$591,320	\$380,650 \$640,970	\$430,300 \$ \$430,300 \$	2,423,335 16,700,709
\$0 \$2,340,000 \$1,080,000 \$0 \$0 \$7,330,000 \$0 \$445,034	47		\$1,820,000 \$22,920,000 \$588 586	\$35,240,000	\$35,240,000	\$4,280,000 \$35,240,000	\$980,000	\$840,000	\$1,780,000	\$1,780,000	\$0 \$	14,900,000
49			\$2,408,586		\$904,963	\$5,184,963	\$2,518,746	\$2,527,176	\$1,832,011 \$3,612,011	\$2,108,842	\$2,385,672 \$	13,300,956
-\$785,000 \$1,668,550 -\$887,116	-\$887,116		\$1,890,232	\$639,463	-\$7,133,537	\$3,978,693	\$1,932,870	\$1,972,156	\$3,020,691	\$3,247,872	\$1,955,372	
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1) All calculations are in current dollars; the current tax rate of \$25.68 was used
2) Land Sales will be spread equally (by phase) over the life of the project
2) Land Sales will be spread equally (by phase) over the life of the project
3) Project duration will be 11 years
4) Land Sales produced will average \$100,000/Acre
5) Assumed assessed valuation is \$60/SF & \$100,000/acre land value
5) Assumed assessed valuation is possible before access to Durbarton Road is required
7) Total tax increment is available for project financing
8) 600,000 SF of construction is possible before access to Durbarton Road is required
9) Anditarians for one we rat? Anok is 7-8 years out from present
11) Municipal Operating Cost is based on \$331/1000 SF constructed
12) New Jobs data is based on average \$35,000/year positions.





July 21, 2004

City Library

Carpenter Memorial Building

405 Pine Street Manchester, New Hampshire 03104-6199 (603) 624-6550 John A. Brisbin Director William J. Prive Deputy Director

Board of Mayor and Aldermen Lands and Buildings Committee C/O City Clerk's Office Attention: Mr. Leo Bernier One City Hall Plaza Manchester, NH 03101

Honorable Alderman Thibault:

At the request of the Mayor's Office, we are providing you with information regarding the space needs of the West Branch Library. As you know from your position as liaison from the BMA to the Library Board, and from the comments of your West Side constituents, the West Manchester Community Library has long needed more space. Since 1980, it has existed in 800 square feet in the basement of the oldest firehouse in Manchester. In 2004, the West Branch Library is serving 21,000 West Manchester citizens with only 11 seats and 11 parking spaces. The King Fire Station building, much of which is unusable space, is just 8,000 square feet, and is already too small to adequately serve the West Side of Manchester.

One square foot per person is the equation library architects commonly use to determine library space needs. In our case, the West Branch Library needs 21,000 square feet of usable interior space.

On behalf of all West Manchester Library Patrons, we thank you for your time and cooperation.

Sincerely,

Joanne Barrett

Chairperson, Manchester City Library Trustees

nne Bayett

Manchester Urban Ponds Restoration Program

One City Hall Plaza, Manchester NH 03101 (603) 624-6450 www.manchester.nh.gov/UrbanPonds

August 6, 2004

Lands & Buildings Committee Honorable Board of Mayor and Aldermen One City Hall Plaza Manchester, NH 03101

Re: Black Brook/Maxwell Pond Stream Restoration Proposal

Honorable Committee Members:

The Manchester Urban Ponds Restoration Program (UPRP) was created in 2000 in an attempt to restore the city's urban ponds to their historic uses (such as boating, fishing, or swimming). The program attempts to promote public awareness, education and stewardship, reduce pollutant loading to improve water quality, maintain or enhance biological diversity, and provide improved recreational uses at each pond. One of the ponds in the program is Maxwell Pond.

Maxwell Pond has existed since 1900 when a dam was erected on Black Brook for the purpose of ice harvesting. Since that time the pond has been an ecosystem in need of restoration, since it has seen increased impacts from surrounding and upstream land uses over the last 50 years.

In 2001, I initiated an advisory committee comprised of environmental professionals to assess possible options for the restoration of the Maxwell Pond/Black Brook corridor. The initial discussions included dam removal as part of a larger Black Brook Corridor Restoration Project. There are many justifiable reasons for this option. First, the dam (currently in disrepair) no longer serves its original purpose, and is costly to maintain on a yearly basis. Second, the pond no longer resembles what it once was, and is no longer being used as a swimming area. Third, restoring Black Brook would enhance biological diversity and open up approximately 6 miles of unimpeded anadromous fish habitat from the Merrimack River upstream to Black Brook. This type of project, in the true spirit of restoration, certainly fits the scope and intent of the Manchester Urban Ponds Restoration Program.

Those on the advisory committee include representatives from the NH Department of Environmental Services, the NH Fish & Game Department, Trout Unlimited, the National Park Service, the Manchester Parks, Recreation & Cemetery Department, the Manchester Conservation Commission, and others. Each entity has been crucial in assisting the Urban Ponds Restoration Program with the design of a feasibility study, pre-restoration monitoring, and the likelihood of success of dam removal and habitat restoration at this site.

Through many hours of fieldwork and meetings, we have completed an exhaustive study of the impounded area to better understand the impacts of dam removal at this site. Since this is a City owned dam, the City holds the final determination of whether to move forward with the restoration of Black Brook by removing the impoundment. Considering such factors as timing, funding, dam maintenance, and habitat benefit, this is a rare opportunity for Manchester to restore at least some of what has been lost over the years.

In this period of rising environmental awareness, I ask that the Committee support this Urban Ponds Restoration Program initiative for the good of Manchester.

Thank you for your consideration.

Respectfully submitted,

Urban Ponds Restoration Program Coordinator

A STATE OF THE PARTY OF THE PAR



The State of New Hampshire

Department of Environmental Services



Michael P. Nolin Commissioner

March 15, 2004

Board of Mayor and Aldermen, Committee on Lands and Buildings City of Manchester 1 City Hall Plaza Manchester, NH 03101

Dear Committee Members:

The Black Brook Advisory Committee (BBAC) was created in 2002 in order to investigate the feasibility and scope of stream restoration activities along the Black Brook corridor. The BBAC is comprised of representatives from The City of Manchester Conservation Commission and Parks and Recreation Department, Trout Unlimited, the National Park Service and the Department of Environmental Services. Several collaborative efforts are currently underway that will provide detailed recommendations and restoration strategies geared toward returning Black Brook to a more natural condition and function.

One of the major restoration initiatives identified by the BBAC is to investigate the potential removal of the dam on Maxwell Pond. The City of Manchester is currently faced with substantial financial obligations to repair and maintain the dam in order to maintain safety requirements and annual inspection fees etc. The City of Manchester wouldn't have to contribute any financial resources to a restoration project involving dam removal at Maxwell Pond.

The Black Brook Advisory Committee would like to request that a special meeting be convened by the Committee on Lands and Buildings to receive an informational presentation on the proposed Black Brook restoration efforts and specifically, the potential removal of the Maxwell Pond Dam. The presentation will focus upon restoration efforts, predicted benefits, financial incentives and the abundance of funding opportunities currently devoted to this project. Approximately 45 minutes would be required for the presentation and question and answer period to follow. Ultimately, we are seeking the approval of the Committee on Buildings and Lands to move forward with this effort and to provide a positive recommendation to the Board of Mayor and Alderman. Convening this proposed meeting by the end of April would be greatly appreciated as several of our funding sources are time sensitive. Please contact either of us with a proposed date and time or if you would like to discuss this request further. Thank you.

Sincerely,

Stephen C. Landry

NHDES, Merrimack Watershed Supervisor

(603) 271-2969

Jennifer Drociak

Manchester Conservation Comm

(603) 559-0028

RECEIVED

MAR 17 2004

CITY CLERK'S OFFICE

MAXWELL POND DAM REMOVAL: RESTORATION OF BLACK BROOK IS FEASIBLE

HISTORY OF MAXWELL POND



Maxwell Pond was created by the installation of a dam on Black Brook in 1900. The pond was reportedly named for A.H. Maxwell, who owned the Manchester Coal & Ice Company at the time when ice was harvested there. Ice harvesting took place in the 1930's and '40's, when Maxwell Pond was considered the best source in Manchester for pure ice. The company was located upstream and would keep the ice cold with hay-bales and sell it year round.

Until the late 1950's, Maxwell Pond was a popular for swimming, picnicking, and fishing in the summer. In the winter months the pond provided a spot for skating, bonfires and hockey games. It was even considered for a secondary

municipal water source for the City of Manchester, but the idea was apparently abandoned sometime in the 1960's. In the late 1950's and early 1960's Maxwell Pond began to change when a cement company located upstream began impacting Black Brook by washing sediment into the streambed and impoundment.

WHY REMOVE DAMS?

There are more than 4,800 active and inactive dams in the State of New Hampshire. Many of these dams were built during the Industrial Revolution in the 19th and early 20th centuries, and they played central roles in New Hampshire's economic and societal growth during that period. But as technological and societal needs have changed, so too has the need for some dams.

Many New Hampshire dams and their impoundments enable and enhance values recreational uses, such as boating, fishing, and swimming. A smaller number of New Hampshire's dams provide important services such as water supply and flood control. But some dams, particularly those that are old, unsafe and uneconomical, may be good candidates to consider for removal.

Dams were historically built with little, if any, consideration to

BENEFITS OF SELECTIVE DAM REMOVAL

- Elimination of a public safety hazard.
- Cost savings to taxpayers and dam owners.
- Improvement to water quality.
- Elimination of barriers to fish and other aquatic species.
- Restoration of river habitats.
- Creation of new, river-based recreational opportunities.

their impact on river systems. In the last several decades, resource managers have learned that dams cause environmental damage, that free-flowing rivers play a vital role in ecosystem health, and the selective dam removal can be both efficient and effective.

Selective dam removal can eliminate a public safety hazard, relieve a dam owner's financial and legal burdens and restore a river to a healthier, free-flowing condition. Consequently, some dam owners are taking a second look at their dams.

WHY REMOVE MAXWELL POND DAM?

Over the last 40-50 years, the community has not been able to swim in Maxwell Pond due to increases in sediment load from upstream sites over time. Today, the pond (which had a maximum depth of 8 feet in 1954) has a maximum depth of just 4 feet. Clearly the land uses upstream have had an impact on Maxwell Pond and historical activities have not taken place at the pond in many decades.

The possibility of restoring Black Brook by removing the Maxwell Pond dam came about as one of several corridor-wide efforts to restore Black Brook. These supplemental projects include riparian/wetland work upstream from Maxwell Pond near the City's transfer station, and brook restoration planning further upstream near Wakefield Materials.

WHAT ARE THE FACTORS OF DAM REMOVAL?

The process of selective dam removal looks at several factors such as possible wetland impacts, fish and wildlife impacts, social impacts, water quality and quantity impacts, historical resource impacts, sedimentation impacts, floodplain impacts,

and aesthetic impacts. It is the **environmental issues** that often trigger consideration for dam removal, but it is typically the **economic issues** that are the pivotal decision factor since it is, in many cases, less expensive to remove a dam than to maintain and repair it on a yearly basis. Engineering issues are typically straightforward, but it is the **social issues** that are the most challenging aspect.

ENVIRONMENTAL ISSUES

Dams can have many ecological impacts on rivers. They can block fish and other aquatic species from moving throughout a river system to access spawning sites and other critical habitats. Dams can hold back and cause buildup of sediment, woody debris, and other materials that would have naturally been disturbed throughout the river, playing important roles in providing nutrients and habitat for plants and animals downstream. Dams can increase water temperatures and decrease dissolved oxygen availability in impoundments, forcing many native river species out because they can't live under those conditions. Dams can also flood wetlands, floodplain forests and other ecosystems that naturally occur along the river's edge and serve valuable purposes.

The act of removing a dam may seem like a radical event to a river and the species that live in it, but rivers have proven themselves to be very resilient and able to "heal" quickly, based upon many dam removals that have taken place nationwide. Previously submerged lands revegetate rapidly, typically within a few weeks during the growing season. Fish populations and species diversity commonly increase in the restored stretch of the river within the first year after a dam is removed. Significant water quality improvements are often seen in a similarly short amount of time, depending upon conditions.

ECONOMIC ISSUES

The cost of keeping a dam safe, particularly when the dam is no longer serving an economic function, can represent a significant burden to the dam owner. Dam ownership requires ongoing financial responsibility. Sometimes the costs of operation and maintenance, liability protection, annual registration fees and other obligations of dam ownership may outweigh the benefits derived from the dam. Studies show that repairing a dam can often cost three times more than removing that dam. In addition, there are many potential funding sources. In this case, there are funding sources available to the City of Manchester from the Manchester Urban Ponds Restoration Program (UPRP), Department of Environmental Services (DES), NH Fish & Game Department (NHFG), Trout Unlimited (TU) among others. There would most likely be no cost to the City for dam removal, and all partners have been interested in seeking river restoration of this area.

SOCIAL ISSUES

Many people have concerns regarding dam removal, such as "will the river/waterbody disappear?" "will flooding occur?" or "will all the fish die?" Some concerns are based on lack of information while others are value-based. Many share both sets of concerns. However, proactive discussion rather than reactive decisions typically result in creative solutions.

WHAT PRE-RESTORATION WORK HAS BEEN COMPLETED?

During the Winter of 2001, DES and UPRP dug 310 holes in Maxwell Pond to examine sediment depth and locate the original brook channel. Sediment chemistry was then examined, and no contaminants were found. TU has been involved with surveying and aerial topographical mapping to examine channel morphological work. DES, NHFG, and TU also collected fish at four sites on Black Brook (two upstream from the impoundment and two downstream) to survey total population, weight, and lengths of the fish. At these same sites, macroinvertebrates (stream insects) were surveyed. Additional pre-restoration work (to be completed Summer 2003) will include a survey of fish inside the impoundment and additional channel cross-section work.

WHAT IS THE TIMEFRAME FOR POTENTIAL DAM REMOVAL AT MAXWELL POND?

FOR MORE INFORMATION

Contact the NH Department of Environmental Services, Water Division, Dam Bureau, River Restoration Coordinator at (603) 271-3406 or e-mail slindloff@des.state.nh.us. OR

The Manchester Urban Ponds Restoration Program at (603) 624-6450 or agrindle@ci.manchester.nh.us

October 21, 2003

Sally Fellows Office of the City Clerk One City Hall Plaza Manchester, NH 03101

Re: Lands & Buildings Committee Meeting Agenda for December 16, 2003

Dear Ms. Fellows:

I am writing to request that the Black Brook Advisory Committee be placed on the Lands & Buildings Committee agenda for Tuesday December 16, 2003.

The Black Brook Advisory Committee includes members from the Manchester Conservation Commission, Parks & Recreation Department, Department of Environmental Services, and other organizations. Their focus has been on Maxwell Pond dam removal and Black Brook river restoration.

During this meeting the Black Brook Advisory Committee would like to discuss the feasibility of dam removal/river restoration, the alternative of dam repair, monetary costs associated with and ecological components of both options. The Black Brook Advisory Committee is ideally looking for an Aldermanic vote in favor of dam removal/river restoration and would be willing to give a second presentation to the Mayor and Board of Alderman afterwards, if necessary.

Please let me know if the Black Brook Advisory Committee will be on the Lands & Buildings Committee agenda for Tuesday December 16, but contacting me at 647-1826 or jen.drociak@nh.gov.

Thank you and I look forward to hearing from you.

Sincerely,

Jen Drociak

for brough

Manchester Conservation Commission

RECEIVED
OCT 27 2003
CITY CLERK'S OFFICE

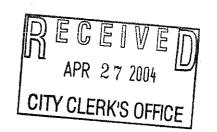
Mayor's Office, One City Hall Plaza, Manchester, NH 03101 (603) 624-6450

MANCHESTER CONSERVATION COMMISSION



City of Manchester Office of the Tax Collector

City Hall
One City Hall Plaza - West
Manchester, New Hampshire 03101 Joan A. Porter
(603) 624-6575 (Phone) Tax Collector
(603) 628-6162 (Fax)



Memorandum

DATE:

APRIL 26, 2004

TO:

LAND & BUILDING COMMITTEE

FROM:

JOAN PORTER, TAX COLLECTOR

RE:

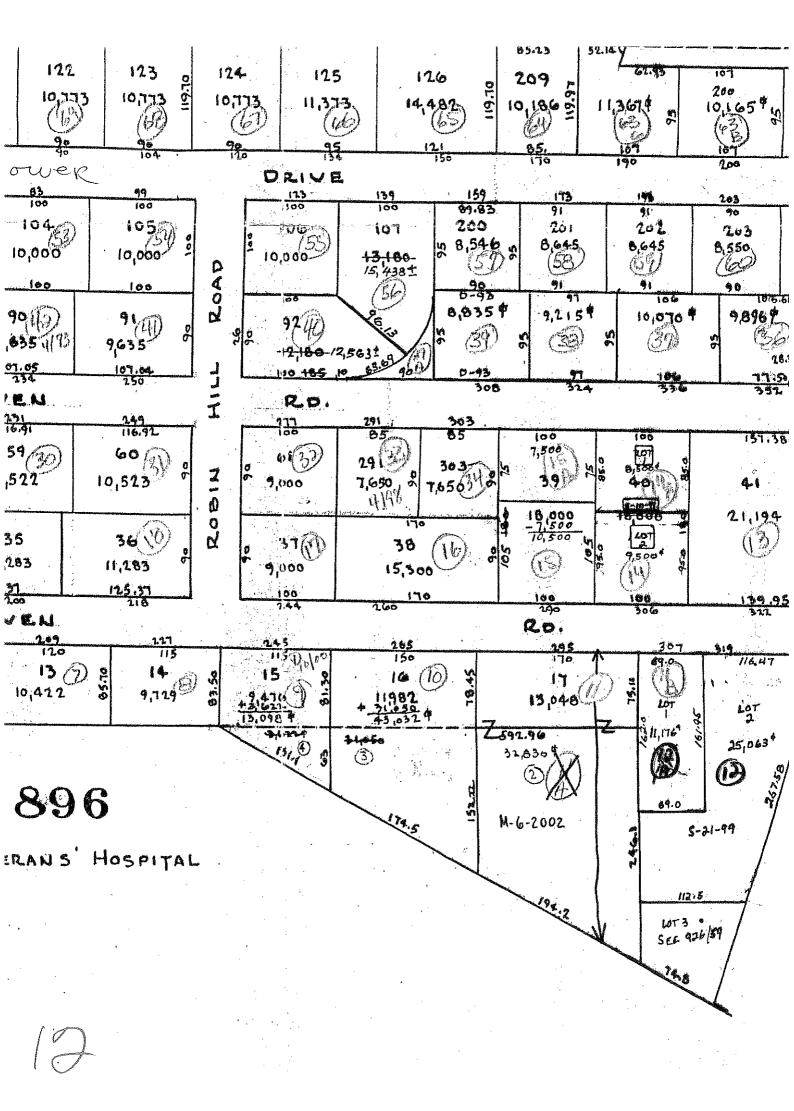
DISPOSAL OF LAND AT WEST HAVEN ROAD

CC:

Assessors Highway Dept Planning Dept

There have been numerous complaints to the Highway Department about disposal of yard waste on the City-owned property known as W Haven Road at Map 922 Lot 39-A.

I have attached a copy of the map depicting the piece of land in question. According to the property record card (attached) the size is 1757 square feet. I would ask that the Committee determine whether it is surplus to the City's needs and if so, dispose of it in the most appropriate manner according to RSA 80:80 I, II, IIa, III.



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Property Location: W HAVEN RD Vision ID: 29479

MAP ID: 0922/ / 0039/A / Other ID:

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Robert S. MacKenzie, AICP Director

CITY OF MANCHESTER

Planning and Community Development

Planning Community Improvement Program Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

April 27, 2004

Committee on Land and Buildings Honorable Board of Mayor and Aldermen Manchester City Hall One City Hall Plaza Manchester, New Hampshire 03101

Re: Disposition of City-owned parcel (Tax Map 922, Lot 39-A) on West Haven Street

Dear Committee Members:

This irregularly shaped lot is a tax-deeded 1,686 s.f. parcel having 90 feet of frontage on West Haven Street which is directly abutted by three residential properties (see attached map). It is not of sufficient size or shape to act as a buildable lot. The Highway Department has reported numerous recent complaints related to the disposal of trash at this location and the Committee is now being asked to consider whether returning the parcel to private sector ownership would alleviate this problem.

Surplus Determination: The Planning Department has reviewed this property and has determined that there are no practical City uses for the parcel and, as such, we recommend that it be declared "surplus" city land.

Disposition: The disposition of this parcel had previously come before the Committee in 1991 when one abutter requested an opportunity to acquire it. Our report to the Committee at that time (see attached) recommended that the parcel be offered for sale to one of the three abutters mentioned above. Because our records from that time period are incomplete we are currently unaware as to how this previous issue was settled. However, with respect to the current situation regarding the accumulation of trash at the site, we now believe that the most likely way of resolving the issue is to return the parcel to the private sector. Towards this end, we wish to affirm our previous recommendation to offer the parcel to an abutter. The Committee may wish to consider this option.

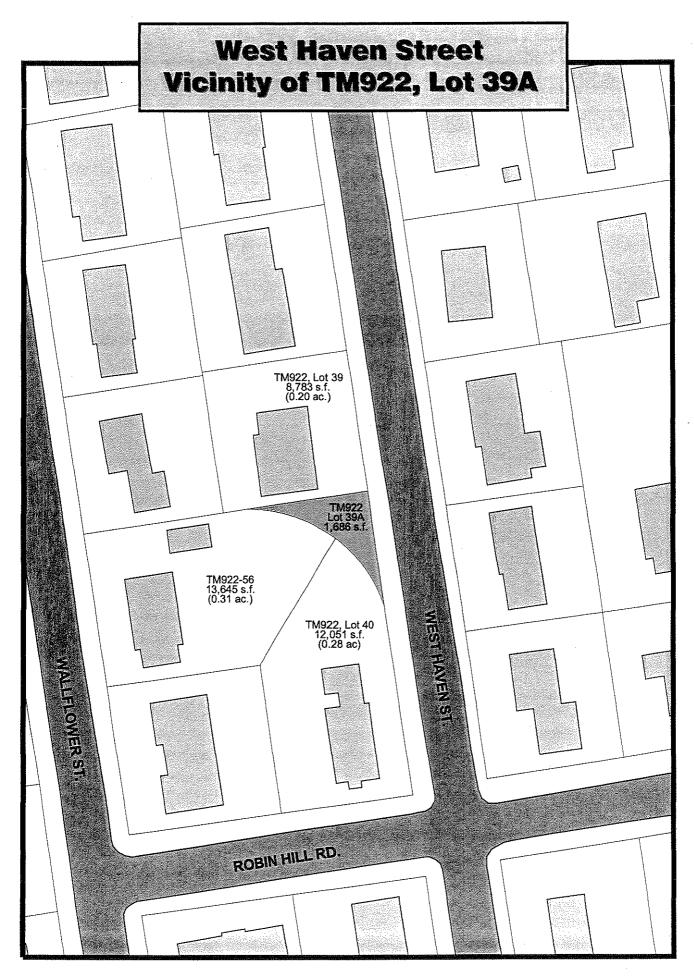
Sincerely,

Robert S. MacKenzie

Director of Planning & Community Development

Copy: file

1





City of Manchester Office of the Tax Collector

City Hall One City Hall Plaza - West Manchester, New Hampshire 03101 Joan A. Porter (603) 624-6575 (Phone) (603) 628-6162 (Fax) Tax Collector

Memorandum

DATE:

May 20, 2004

TO:

Land & Building Committee/

FROM:

Joan A. Porter, Tax Collector

RE:

L W Haven Rd

As requested, the following contains information regarding the Tax-Deeded property located at: L W Haven rd

Prior Owner:

Unknown

Map/Lot:

922/39-A

Lien Date:

05/27/88

Deed Date:

01/16/91

Recorded Date: 1/21/91

Book/Page:

5234/1626

Back Taxes

\$267.36 (not including interest and costs)

I do not have any objections to the disposition of this property.



CITY OF MANCHESTER Board of Assessors

One City Hall Plaza, West Wing Manchester, New Hampshire 03101 Tel: (603) 624-6520 – Fax: (603) 628-6288 Email: assessors@ci.manchester.nh.us

Web: <u>www.ManchesterNH.gov</u>



Steven G. Tellier, Chairman Thomas C. Nichols Stephan W. Hamilton

Lee Ann Provencher Assistant to Assessors

July 26, 2004

Mr. Harold Bradley 26 Robinhill Road Manchester, NH 03104

Dear Mr. Bradley,

I have been requested by the Land & Buildings Committee of the Board of Mayor and Aldermen to ask if you would be interested in acquiring a small portion of land located at the end of your lot with frontage on West Haven Rd.

There would be no cost to acquiring the land, as the City would facilitate the legalities of surveying and deeding. I have also reviewed the fact that there would be no impact to your assessment as the land amount is negligible. The potential area attributed to you would be approximately 878.5 square feet more or less. The City proposes to split the crescent shaped area in half effectively extending your property line to the street.

I have included for your information a small map indicating the area proposed. Please indicate to me by phone or mail if you are interested and this meets with your approval. Also should you have any additional questions please contact me at your convenience.

Thank you for your attention in this matter and look forward to hearing from you.

Respectfully yours,

Steven G. Tellier, Chairman Board of Assessors



From:

Tellier, Steve Johnson. Carol 7/27/04 8:46AM

To: Date:

7/2

Land on West Haven

Carol,

Subject:

Yesterday Mr. Traynor called, he is one of the two abutters the Committee directed me to deal with on the West Haven land. I went over the City's offer with him, and the abutter Mr. Bradley in the letter and by phone(sample letter attached), as well as sending them a copy of the map. Mr. Traynor responded by saying he would like to buy the entire parcel for the nominal value identified in his e-mail below. Mr. Bradley sounded more cautious and only went as far as to say he would look at the letter and get back to us. Should the Committee decide to grant it as one single parcel to Mr. Traynor it would negate additional work by other departments. Call me to discuss when you have a chance.

----Original Message----

From: dennis traynor [mailto:dmtsail@yahoo.com]

Sent: Monday, July 26, 2004 10:08 PM

To: Tellier, Steve

Cc: dmtsail@yahoo.com

Subject: Land

July 26, 2004

To: Steve Tellier

From: Dennis M Traynor

Per our telephone conversation on July 26th I accept the cities offer for the piece of land. Per our discussion, I stand ready to pay up to \$500.00 to cover costs.

Thank you, Dennis M Traynor

Do you Yahoo!? Yahoo! Mail - 50x more storage than other providers! http://promotions.yahoo.com/new_mail



CITY OF MANCHESTER Board of Assessors

One City Hall Plaza, West Wing Manchester, New Hampshire 03101
Tel: (603) 624-6520 – Fax: (603) 628-6288
Email: assessors@ci.manchester.nh.us
Web: www.ManchesterNH.gov,



Steven G. Tellier, Chairman Thomas C. Nichols Stephan W. Hamilton

Lee Ann Provencher Assistant to Assessors

July 26, 2004

Mr. Harold Bradley 26 Robinhill Road Manchester, NH 03104

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I have included for your information a small map indicating the area proposed. Please indicate to me by phone or mail if you are interested and this meets with your approval. Also should you have any additional questions please contact me at your convenience.

Thank you for your attention in this matter and look forward to hearing from you.

Respectfully yours,

Steven G. Tellier, Chairman Board of Assessors



JMS VALLEY GROVE, LLC P.O. BOX 6482 MANCHESTER, NH 03108-6482 603-626-7333

Alderman Henry R. Thibault Chairman of Lands and Building Committee City of Manchester One City Hall Plaza Manchester, NH 03101

Dear Mr.Thibault.

After speaking with Mr. Osborne, Mr. Johnson and the DPW, they recommended that I direct my requests to your office. My brother Mark and I own and manage the Valley Grove Apartments located in the 700 series on Valley and Grove Streets, just north of Belmont. Since purchasing the property we have dedicated our efforts to capital improvements of the buildings interiors. Now that spring is upon us, we would like to positively enhance our neighborhood by maintaining the rail bed that separates the properties. Specifically, we would like to create an open space area that would be conducive for children to play unimpeded by the liability surrounding the iron rails and the wooden supports below them

Our proposals would not, in any way, financially burden the city and would in fact lessen or eliminate a potential hot spot for injury. Mark and I would like to remove the railroad tracks, spread loam and seed creating a grassed play area for the children of the apartment complex. Our plans do not include the use of any recreational structures or any outside contractors. Rough drawings of our intentions are included herein.

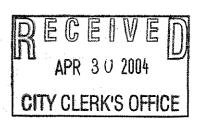
We certainly would appreciate any of your recommendations.

Sincerely,

Steve Mscisz Manager

JMS Valley Grove Apartments

603-626-7333



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GROVE ST.

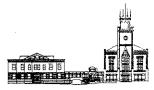


Robert S. MacKenzie, AICP

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

July 22, 2004

Committee on Land and Buildings Honorable Board of Mayor and Aldermen City Hall - One City Hall Plaza Manchester, N.H. 03101

RE: Disposition of city-owned land located between Valley and Grove Streets previously owned by the B&B Railroad Company

Dear Committee Members:

This is to provide a report pursuant to Section 23½ pertaining to the above-referenced city-owned land.

The City recently received a letter from JMS Valley Grove LLC inquiring about the possibility of acquiring, or receiving permission to use, an approximately 200 foot long section of the city-owned former Portsmouth Branch rail corridor which passes between the Valley Grove Apartment complex which is located on Valley and Grove Streets a short distance to the east of Belmont Street. The specific purpose for their request is to acquire land which may be used as a private playground for the lessees of their several abutting apartment buildings; one aspect of their plan involves fencing off any city-owned land they may acquire for their private and exclusive use.

Evidence from a recent site visit appears to indicate that agents for JMS Valley Grove LLC have already erected a timber barrier across the former rail ROW at the east end of their properties, removed and disposed of at least 200+ feet of city-owned steel rails and supportive timber ballast which previously crossed that area, and they have proceeded to loam, seed and water that city-owned land in a manner conducive to exclusive private use. Thus, through their current request, JMS Valley Grove, LLC, appears to be seeking retroactive authorization to use and/or own land which they have already altered and occupied without permission.

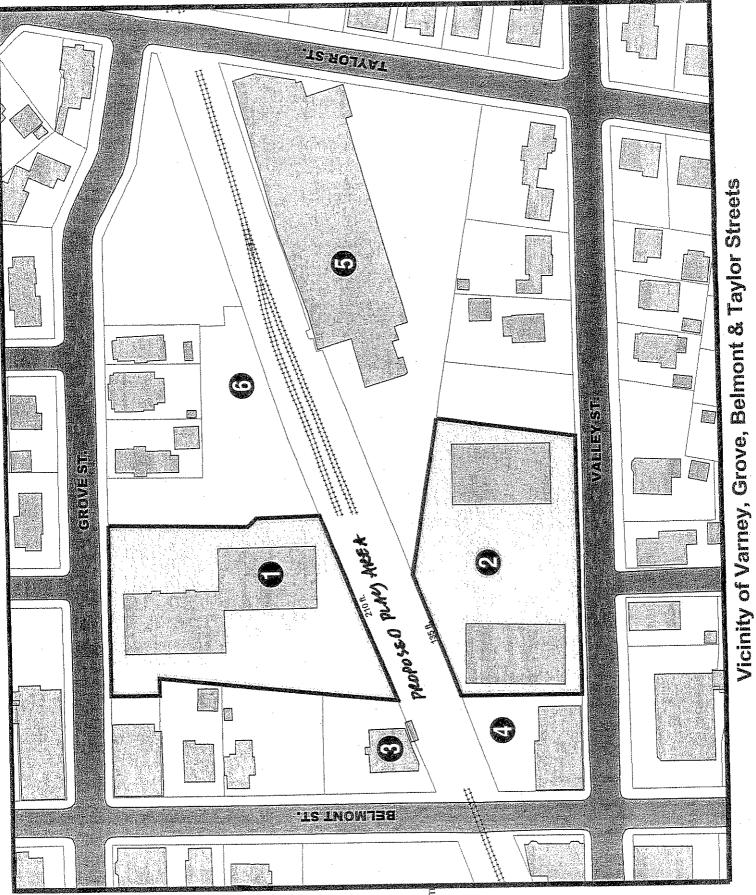
Surplus Determination: The Planning Department has reviewed the affected properties and communicated with the Parks Department about this matter and we wish to report, as we have in similar cases in the past, that in transferring ownership of this ROW to the City, the State of New Hampshire included a deed provision which requires that the subject rail ROW be used as a recreational trail. With this in mind, it would appear that any kind of sale of this former rail ROW to private sector interests would be in violation of this agreement and, as a result, we do not recommend that any portion of the ROW be determined surplus to City needs.

Disposition: While the applicant's development of the subject land in advance of any formal permission to use it is improper, our sense is that their proposed use of the land is inoffensive and we would recommend the following disposition: if it would not obstruct or otherwise compromise any portion of the City's future pedestrian/ bicycle trail plan, the Committee may wish to recommend that a license be issued to JMS Valley Grove LLC allowing their use of an appropriate portion of the subject ROW for their playground needs. Our advice is based on the condition that (a) no private fence be placed on any part of the ROW; (b) no permanent structure be erected on the ROW; and (c) the public continue to have, as it does now, freedom of movement along the entire length of the former rail corridor.

Sincerely

Robert S. MacKenzie Director of Planning

> One City Hall Plaza, Manchester, New Hampshire 03101 Phone: (603) 624-6450 FAX: (603) 624-6529 E-mail: planning@ci.manchester.nh.us



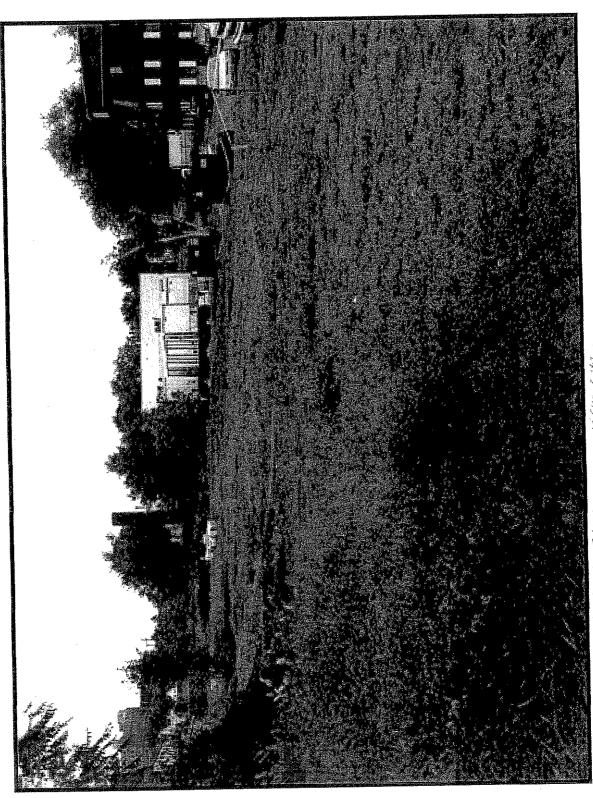
PARCEL INFO

TM 129 / Lot 6 733 Grove St. MMSM LLC 1.04 Acres TM 129 - Lot 12 744 Valley St. MMSM LLC 1.00 Acre

TM 129 - Lot 10 303 Belmont St.

TM 129 - Lot 11 706 Valley St. Luigi's Pizza

TM 129 - Lot 17 324 Taylor St. Standard Uniform Rental Service



Copare 4 Re Row 7/19/04

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CITY OF MANCHESTER Parks, Recreation & Cemetery Department

625 Mammoth Road Manchester, NH 03104-5491 (603) 624-6565 Administrative Office (603) 624-6514 Cemetery Division (603) 624-6569 Fax

COMMISSION

George "Butch" Joseph, Chairman Steve Johnson, Clerk Michael Worsley Joseph Sullivan Sandra Lambert Ronald Ludwig, Director

July 26, 2004

Alderman Henry Thibault, Chairman - Lands & Buildings Committee Board of Mayor & Aldermen One City Hall Plaza Manchester, NH 03101

Re: Abandoned Rail Corridors

Dear Alderman Thibault:

In 2001, the New Hampshire Department of Transportation transferred ownership of the Manchester and Portsmouth Branch railroad corridor to the City for use as a recreational trail. However, the state placed several restrictions on the use of this property that must be considered before a decision is made regarding requests from abutters to utilize portions of this property.

At the May 26, 2004 Lands and Buildings Committee meeting, a vote was taken to table these requests pending development of a standard policy by City staff. I recently met with Tom Arnold from the City Solicitor's Office and David Beauchense from the Planning Department to discuss what should be included in this policy. While our meeting was productive, we will need some additional time to develop a written policy for your review.

In view of the restrictions placed on this property by the State and the City's long range plans for a recreational trail, it is certain that we will not recommend fee simple purchases. It may be possible to develop an agreement for temporary use that would not include any structures with a reversionary clause that would allow the City to construct a recreational trail at a future date.

We will have our recommendations for this policy available for your next scheduled meeting.

Sincerely yours,

Ron Johnson, Deputy Director

cc: Thomas Arnold, Deputy City Solicitor

David Beauchense, Planning & Community Development

To the Honorable Board of Mayor and Alderman of the City of Manchester: Lands & Buildings Committee

I am writing you today to request a meeting to acquire property previously owned by Boston & Maine Railroad Co., now owned by The State of New Hampshire. Said property is located at Belmont Street with Valley St. as a cross street on the southwest and Grove St. on the Northeast. It is located on map #128.

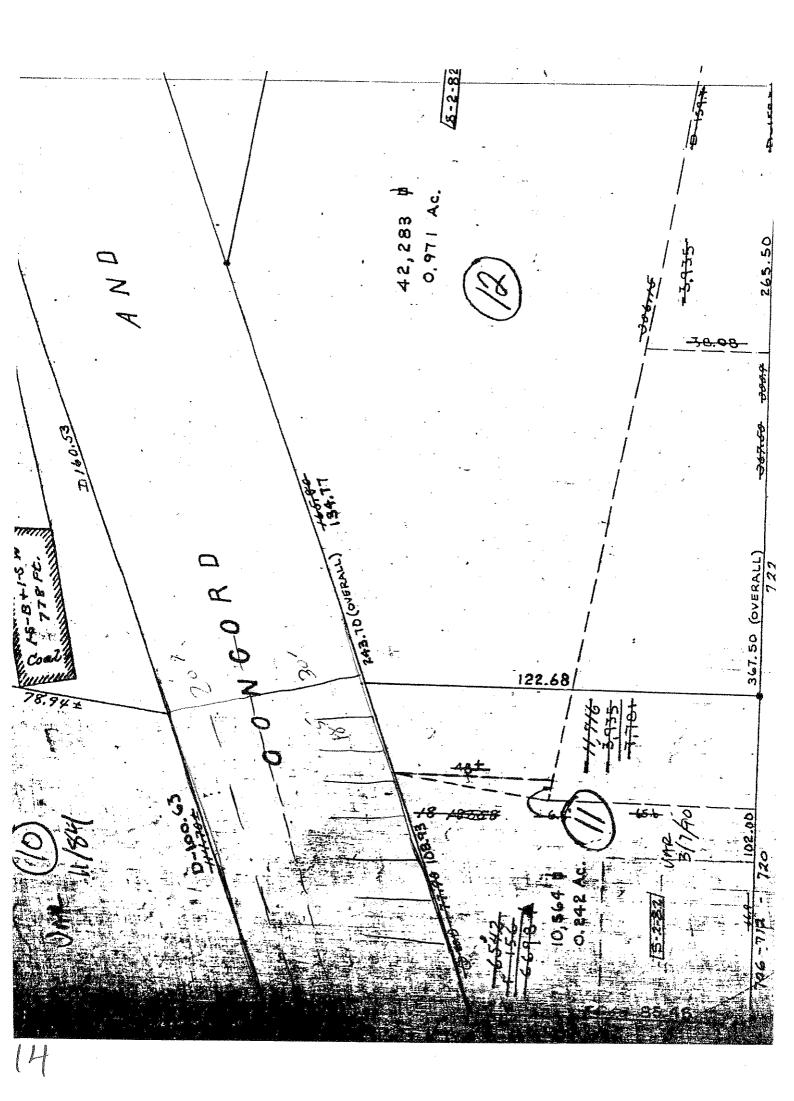
The reason for this request is that I own Property & Business located at 706 to 722 Valley Street, said property is behind my business known as Luigi's Pizza Bar & Grille. I would like to clean up old railroad tracks and use it as additional parking. I understand that said property is to be used as a Bike trail. Property's width is approximately 50 feet 20 feet should be adequate for bike trail the remaining 30 feet is what I would like to redevelop and use as additional parking. Enclosed is a rough drawing for the redevelopment and use of property.

I look forward to meeting with you to discuss this matter further. Thank You!!

Dated at the City of Manchester, New Hampshire this _______

_day of September 2003

Rallitsa M. Kostakis



KNOW ALL MEN BY THESE PRESENTS

THAT, The State of New Hampshire, whose mailing address is the Department of Transportation, 1 Hazen Drive, P.O. Box 483, Concord, NH 03302-0483, pursuant to RSA 4:40 and RSA 228:67, for considerations paid to it in hand before the delivery hereof, well and truly paid by the City of Manchester, a municipal corporation, whose mailing address is 1 City Hall Plaza, Manchester, NH 03101-2097, has remised, released and forever QUITCLAIMED, and by these presents, does remise, release and forever quitclaim unto said City of Manchester, its successors, and assigns forever:

Any and all interest the State of New Hampshire has in a portion of the abandoned Portsmouth Branch railroad corridor, including all stations, buildings, bridges, structures, crossings, culverts and improvements thereon and including all appurtenances thereto and formerly owned by the Boston and Maine Corporation, the Elliot Hospital of the City of Manchester, 67 Willow Street Realty, L.L.C., and the Flying Horse Realty, Inc., located in the City of Manchester, bounded and described as follows:

Parcel 1:

Beginning at a point designated as Engineering Station 1967+70+/- located on the westerly sideline of Page Street as shown on Railroad Valuation Plan V28NH, Map 38; thence running generally in a westerly direction to a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39.

Parcel 2:

Beginning at a point designated as Engineering Station 2002+90+/- located on the westerly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2008+05+/- at the easterly sideline of Hall Road as shown on Railroad Valuation Plan V28NH, Map 39.

Parcel 3:

Beginning at a point designated as Engineering Station 2021+70+/- located on the westerly sideline of Massabesic Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2080+80+/- at the easterly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41.

Parcel 4:

Beginning at a point designated as Engineering Station 2094+12+/- as shown on Railroad Valuation Plan V28NH, Map 41; thence running generally in a northwesterly direction to a point designated as Engineering Station 2104+28+/- at the easterly sideline of Elm Street as shown on Railroad Valuation Plan V28NH, Map 41.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded in the Hillsborough County Registry of Deed in Book 6200, Pages 40 - 48 on January 11, 2000, said parcels containing an area of 12.45 acres, more or less.

Parcel 5:

Beginning at a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2002+44+/- located on the easterly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded in the Hillsborough County Registry of Deed in Book 5719, Pages 215 - 221 on May 21, 1996, said parcel containing an area of 0.66 acres, more or less.

Beginning at a point designated as Engineering Station 2008+61+/- located on the westerly sideline of Hall Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2021+76+/- at the easterly sideline of Massabesic Street as shown on Railroad Valuation Plan V28NH, Map 39.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Elliot Hospital of the City of Manchester by an easement recorded in the Hillsborough County Registry of Deed in Book 5645, Pages 1085 - 1087 on August 1, 1995, said parcel containing an area of 0.60 acres, more or less.

Beginning at a point designated as Engineering Station 2081+13+/- located on the westerly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41; thence running generally in a westerly direction to a point designated as Engineering Station 2083+33+/- at the easterly sideline of Willow Street as shown on Railroad Valuation Plan V28NH, Map 41.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the 67 Willow Street Realty, L.L.C. by an easement recorded in the Hillsborough County Registry of Deed in Book 6513, Pages 131 - 132 on October 30, 2001, said parcel containing an area of 0.15 acres, more or less.

Beginning at the southerly most point of said premises, at an iron pin with cap to be set: thence along a curve westerly along said percel with a radius of 962 57 feet, a distance of 470.56 feet to a point; thence N8°25'43"W a distance of 108.31 feet to a point; thence along a curve southeasterly with a radius of 932.57 feet to a point on Willow Street in Manchester, New Hampshire; thence S13°52'44" east a distance of 45.99 feet to the point of beginning, as shown on plan entitled "Easement Plan of Land prepared for Flying Horse Realty Inc., in Manchester, NH, scale 1" = 40", Date: January 11, 2000", prepared by Duval Survey, Inc., 14 Dartmouth Street, Hooksett, NH 03103, and recorded in the Hillsborough County Registry of Deeds as Plan No. 30334.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Flying Horse Realty, Inc., by an easement recorded in the Hillsborough County Registry of Deed in Book 6208, Pages 26 - 27 on February 9, 2000, said parcel containing an area of 0.34 acres, more or less.

As a further condition of this instrument, the City of Manchester agrees to the following:

- 1.) The City of Manchester shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public.
- 2.) Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to the Section 106 historic review process.
- 3.) The City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor.

Excepting and Reserving, to the State of New Hampshire by or through its Department of Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the above-described parcels for any mode of public travel, including, but not limited to, vehicular, railroad, bus, or other form of mass transit, pedestrian, bicycle, snowmobile (not including motorcycles) or other form of recreational travel.

TO HAVE AND TO HOLD said premises, with all the privileges and appurtenances thereunto belonging to the City of Manchester, its successors and assigns forever.

IN WITNESS WHEREOF, The State of New Hampshire has caused its name to be set and its seal to be hereunto affixed by the Commissioner of the New Hampshire Department of Transportation, duly authorized and executed this 14th day of becomes, 20 01.

Signed, Sealed and Delivered in the presence of

STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

Commissioner

THE STATE OF NEW HAMPSHIRE

COUNTY OF MERRIMACK

On this 14th day of Necenter, 20 01, before me, 1 1Ane undersigned officer, personally appeared the Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the forgoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the Commissioner of the Department of Transportation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

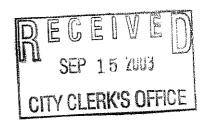
DIANE L. HARTFORD Notary Public My Commission Feeting Judy 25, 2004

Approved by New Hampshire Council on Resources and Development on July 14, 2000. Approved by Long Range Capital Planning and Utilization Committee on August 22, 2001. Approved by Governor and Executive Council on October 10, 2001, Item # 146.



City of Manchester Office of the Tax Collector

City Hall
One City Hall Plaza - West
Manchester, New Hampshire 03101 Joan A. Porter
(603) 624-6575 (Phone) Tax Collector
(603) 628-6162 (Fax)



Memorandum

DATE:

SEPTEMBER 12, 2003

TO:

CITY CLERK

FROM:

JOAN PORTER, TAX COLLECTOR

RE:

PURCHASE OF RAILROAD PROPERTY

Since this is not a tax-deeded property, the Tax Collector's office has no interest in its disposition.

To: Committee on Lands and Buildings

From: Board of Assessors Date: November 6, 2003

Re:

Map 129

Request to Purchase Property-

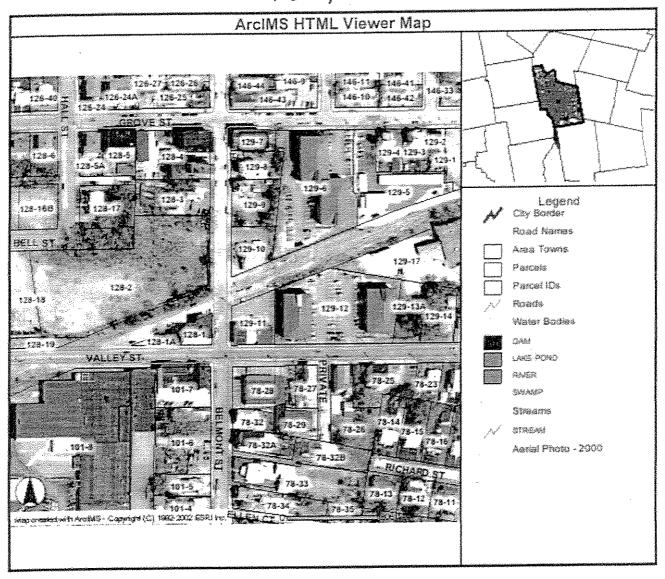
The following is a summary of important facts and the value estimate:

Property Location	Land is located Valley and Belmont St. in back of Luigi's Pizza
Assessors Map/Lot	Map 129 there is no lot number
Property Owner	City of Manchester, NH
Deed Book/Page	Deeded 1/10/02 Book 6561 Page 1308
Date Acquired	Jan 11, 2002
Improved/Vacant	Vacant
Total Land Area	30 Feet Wide time the Length of 109 feet = 3,270
Current Zoning	RDV Which means Any permitted use
Overlay District	
Easements/Restrictions	
Utilities Available	All
Total Current	
Assessment	
Indicated Range of	
Value/Unit	
Indicated Range of	They would be purchasing 3,270 sq. ft. time $$4.00 = $13,080$
Value	\$13,100
Comments	We are using \$4.00 per sq. ft. that is what B & M is selling land
	to individuals that purchase land in areas like this one.

Respectfully submitted by the Board of Assessors,

Thomas C. Nichols

Thomas C. Nichols, Acting Chairman



Property Location: 706 VALLEY ST Vision ID: 4073

0129//0011/

MAP ID:

Assessed Value 68,700 79,700 177,700 179,300 179,300 2,900 4,900 44,200 148,400 125,700 Income Valuation VISTIV CHANGE HISTORY This signature acknowledges a visit by a Data Collector or Assessor MANCHESTER, NH ZOS Land Value Meas & Int Insp.
Meas & Int Insp. Print Date: 10/03/2003 08:46 APPRAISED VALUE SUMMARS Adj. Unit Price Total: 3260 3260 3260 888 Value. 44,200 130,200 4,900 PREVIOUS ASSESSMENTS (HISTORY 179,300 (79,300 a a Assessed Assessed Value let Total Appraised Parcel Value Notes- Adj/Special Pricing 10/3/2000 8/30/1990 Appraised Bldg. Value (Card)
Appraised XF (B) Value (Bldg)
Appraised OB (L) Value (Bldg)
Appraised Land Value (Bldg)
Special Land Value Total Appraised Card Value Total Appraised Parcel Value Valuation Method: 44,200 130,200 4,900 (79,300 CURRENT ASSESSAIRNT Appraised Value Value 7r. Code 44,2002001 3260 130,2002001 3260 4,9002001 3260 Jo Comments Total 179,300 CardCode 3260 3260 3260 Assessed Value 10.564 SF Nbhd. Comm. Int. Date Comp. 1.00 Description C. Factor COM LAND COMMERC, COMMERC, LAND LINE VALUATION SECTION Bldg #: 77. Code 2002 3260 2002 3260 2002 3260 Total: % Сотр. Amount Factor S.L. 1.00 Parcel Total Land Area:
 BK-VOLPAGE
 SALE DATE
 q/a
 v/L
 SALE PRICE
 F.C.

 6941/1700
 0529/2003
 U
 I
 315,000
 60

 06/11/1982
 08/20/1981
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 0
 OTHER ASSESSMENTS LOCATION RAD OR CAD RAD = 390
Old LUC
Sketch Note
Land Class
Parcel Zip 03103-4307 Insp. Date Corner Number Urban Unit Price 5 Curb & Gutte9 BUILDING PERMIT RECORD CTILITATES STRICTROAD ST PPLENENTAL DATA Sidewalk 4mount Paved Description 10,564.00 SF 5 Units 10,564.00 Other ID: All Public 20856512 NO 10564 CodeS. NOTES Total Card Land Units Description Account # Land Adjust Voided Total SF rontage/Dep TOPO. Suitable Amount f,evel HS ID: Frontage ome DTotal: Zone EXEMPTIONS RECORD OF OWNERSHIP Type DBA-VALLEY MAJOR APPLIANC Type/Description CURRENT OHNER Description TSOURVAKAS, VISSARION C SOCHA EDWARD JJR MARTEL CLEMENS M REST/CLUBS Issue Date AANCHESTER, NH 03103 DBA-LUIGI'S PIZZA Additional Owners: 12 VALLEY ST Use Code 3260 ITSAS LLC TISAS LLC Permit ID E PARTS Year

44,20

Total Land Value

Print Date: 10/03/2003 08 7 BAS <u>4</u> ~ SKETCH 0 Jo Card39 47 B 32 28 Bldg #: BAS BAS FOP 288,156 2,905 508 100 400 2,500 22,657 314,227 Undeprec. Value ValueFactor MAP ID: 0129//0011// Apr. 1 Description CONDOMOBILE HOME D.47.4 OB-OUTBUILDING & VARD (TEMS(I) / XP-BUILDING EXTRA FEATURES(B) AVERAGE WOOD FRAME AVERAGE CEIL & WALLS AVERAGE COST MARKET VALUATION Commercial Data Elements 72.62 314,227 1910 (AV) 1941. 60 Description %Cnd 73.00 0.98489 1.01 £855 125,700 72.62 14.67 18.16 0.00 18.16 Unit Cost 4,327 Bldg Val: Other ID: 40 Dp Rt Ö BUILDING SUB-4REA SUMMARY SECTION 3,968 Code Area S ice Yr. 0.90 1990 88.00 1986 20.00 1941 2.00 1941 Deprec. Bldg Value Number of Units Number of Levels Adj. Base Rate Bidg. Value New Year Built Eff. Year Built Nrml Physel Dep Funcni Obsine opect. Cond. Code Spect Cond % Rooms/Prtus % Common Wall Wall Height Unadj. Base Rate Size Adj. Factor Grade (Q) Index I: ff Frame Type Baths/Plumbing verall % Cond. CONSTRUCTION DETAIL Complex Floor Adj Unit Location Element % Ownership eiling/Wall 3con Obsine Heat & AC Gross Area 3,968 198 2,720 1,248 Unit Price 8,162 lement 3,968 3,086 Iving Area 3,968 Units 7,305 Percentage 100 Description Brick/Masonry Cedar or Redwd Gas Hot Air-no Duc ommercial 1% Zero Bedrooms Zero Bathrms Rolled Compos Drywall/Sheet Pine Paneling Eardwood estaurant verage Story ASIA GIMIN arpet one Basement, Unfinished Janopy Jorch, Open, Finished PAVING-ASPHALT W/MOTOR & LTS Description AIR CONDITION Tu. Gross Liv/Lease Area Description REST/CLUBS ij Cqfirst Floor COOLER Vision 1D: 4073 Roof Structure Bath Type Kitchen Style Heating Fuel Heating Type AC Type Exterior Wall nterior Floor nterior Wall 1 Roof Cover Potal Rooms Element Style/ Type Model Bedroorns Bathrooms conpaney Code PAVI SGN4 CLR1 A/C CAN FOR SLB Code 3260 Stories irade

1 inperil Location: 706 VALLEY ST



Robert S. MacKenzie, AICP

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

January 12, 2004

Committee on Land and Buildings Honorable Board of Mayor and Aldermen City Hall - One City Hall Plaza Manchester, N.H. 03101

RE: Disposition of city-owned land on Belmont Street previously owned by the B&B Railroad Company

Dear Committee Members:

This is to provide a report pursuant to Section 23½ pertaining to the above-referenced city-owned land.

The City recently received a letter from the owner of Luigi's Pizza Bar & Grille, which is located on the northeast corner of Valley and Belmont Streets, inquiring about the possibility of acquiring a portion of the city-owned former rail corridor which passes immediately to the north of their pizzeria. More specifically, the request is to acquire the nearest abutting 30 feet of an existing 60 foot wide ROW for the purpose of providing a larger parking area for the subject restaurant.

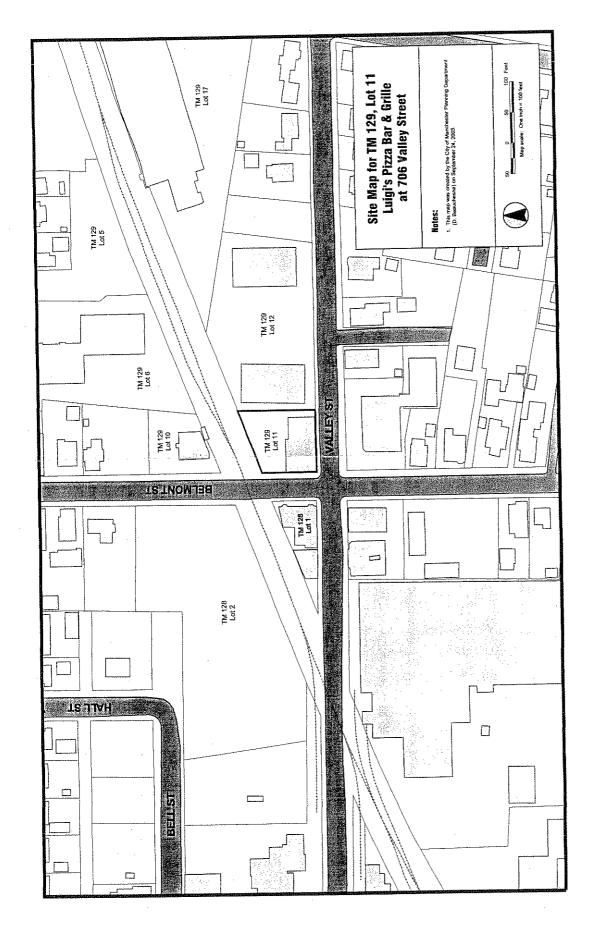
Surplus Determination: The Planning Department has reviewed this property and communicated with the Parks Department about this matter and has discovered that there is a plan to run a future pedestrian/bicycle trail system over the former rail ROW – for the purpose of connecting the RiverWalk along the Merrimack River to the state's Rockingham Trail, which essentially runs between Hampton and Lake Massabesic. As such, we do not believe that the former rail ROW is surplus to city needs.

Disposition: If it could be determined in advance that it would not obstruct or otherwise compromise any portion of the City's future pedestrian/bicycle trail plan, we suggest that the Committee consider recommending the possibility that a license be issued to Luigi's Pizza Bar & Grille allowing their private use of an appropriate portion of the subject ROW for their parking needs.

Sincerely,

Robert S. MacKenzie Director of Planning

> One City Hall Plaza, Manchester, New Hampshire 03101 Phone: (603) 624-6450 FAX: (603) 624-6529 E-mail: planning@ci.manchester.nh.us





CITY OF MANCHESTER Parks, Recreation & Cemetery Department

625 Mammoth Road Manchester, NH 03104-5491 (603) 624-6565 Administrative Office (603) 624-6514 Cemetery Division (603) 624-6569 Fax

COMMISSION

George "Butch" Joseph, Chairman Steve Johnson, Clerk Michael Worsley Joseph Sullivan Sandra Lambert Ronald Ludwig, Director

July 26, 2004

I tems # 8,9+10

Alderman Henry Thibault, Chairman - Lands & Buildings Committee Board of Mayor & Aldermen One City Hall Plaza Manchester, NH 03101

Re: Abandoned Rail Corridors

Dear Alderman Thibault:

In 2001, the New Hampshire Department of Transportation transferred ownership of the Manchester and Portsmouth Branch railroad corridor to the City for use as a recreational trail. However, the state placed several restrictions on the use of this property that must be considered before a decision is made regarding requests from abutters to utilize portions of this property.

At the May 26, 2004 Lands and Buildings Committee meeting, a vote was taken to table these requests pending development of a standard policy by City staff. I recently met with Tom Arnold from the City Solicitor's Office and David Beauchense from the Planning Department to discuss what should be included in this policy. While our meeting was productive, we will need some additional time to develop a written policy for your review.

In view of the restrictions placed on this property by the State and the City's long range plans for a recreational trail, it is certain that we will not recommend fee simple purchases. It may be possible to develop an agreement for temporary use that would not include any structures with a reversionary clause that would allow the City to construct a recreational trail at a future date.

We will have our recommendations for this policy available for your next scheduled meeting.

Sincerely yours,

Ron Johnson, Deputy Director

cc: Thomas Arnold, Deputy City Solicitor

David Beauchense, Planning & Community Development

↑ Maple ST. ♦ Manchester, NH 03103 Phone 1-603-645-6160 ♦ Fax 1-603-645-6160

APR 27 M1 52

April 26, 2004

City Hall, City Clerks office One City Hall Plaza Manchester, NH, 03102

To Whom It May Concern,

My name is Gerald P. Cloutier. I am the owner of the propery at 118 Maple St. It has come to my attention that the city of Manchester has aquired the abutting land on 118 Maple St. that was the former property of the Boston and Maine Railroads. I am interested in purchasing this property from the City of Manchester. Recently it has come to my attention that I am not in compliance with the parking codes that the city regulates. If able to purchase this piece of property on the corner of Maple St. and Sommerville. St. I will be in compliance with the City. I would appreciate it if you can look into this matter for me. If you can advise me on my next step in aquiring this property, who to conta ct, what the price might be. I would appreciate it. Thank-you for this consideration. I will be looking forward to hearing from you.

Sincerely,

Gerald P. Cloutier

65 Winter St

Marchante MH 03102

Home 626 7274 Work 645 6160 582 2522

KNOW ALL MEN BY THESE PRESENTS

THAT, The State of New Hampshire, whose mailing address is the Department of Transportation, 1 Hazen Drive, P.O. Box 483, Concord, NH 03302-0483, pursuant to RSA 4:40 and RSA 228:67, for considerations paid to it in hand before the delivery hereof, well and truly paid by the City of Manchester, a municipal corporation, whose mailing address is I City Hall Plaza, Manchester, NH 03101-2097, has remised, released and forever QUITCLAIMED, and by these presents, does remise, release and forever quitclaim unto said City of Manchester, its successors, and assigns forever:

Any and all interest the State of New Hampshire has in a portion of the abandoned Portsmouth Branch railroad corridor, including all stations, buildings, bridges, structures, crossings, culverts and improvements thereon and including all appurtenances thereto and formerly owned by the Boston and Maine Corporation, the Elliot Hospital of the City of Manchester, 67 Willow Street Realty, L.L.C., and the Flying Horse Realty, Inc., located in the City of Manchester, bounded and described as follows:

Beginning at a point designated as Engineering Station 1967+70+/- located on the westerly sideline of Page Street as shown on Railroad Valuation Plan V28NH, Map 38; thence running generally in a westerly direction to a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39.

Beginning at a point designated as Engineering Station 2002+90+/- located on the westerly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2008+05+/- at the easterly sideline of Hall Road as shown on Railroad Valuation Plan V28NH, Map 39.

Beginning at a point designated as Engineering Station 2021+70+/- located on the westerly sideline of Massabesic Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2080+80+/- at the easterly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41.

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Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded in the Hillsborough County Registry of Deed in Book 6200, Pages 40 - 48 on January 11, 2000, said parcels containing an area of 12.45 acres, more or less.

Beginning at a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2002+44+/- located on the easterly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39.

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Beginning at a point designated as Engineering Station 2008+61+/- located on the westerly sideline of Hall Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2021+76+/- at the easterly sideline of Massabesic Street as shown on Ruilroad Valuation Plan V28NH, Map 39.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Elliot Hospital of the City of Manchester by an easement recorded in the Hillsborough County Registry of Deed in Book 5645, Pages 1085 - 1087 on August 1, 1995, said parcel containing an area of 0.60 acres, more or less.

Beginning at a point designated as Engineering Station 2081+13+/- located on the westerly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41; thence running generally in a westerly direction to a point designated as Engineering Station 2083+33+/- at the easterly sideline of Willow Street as shown on Railroad Valuation Plan V28NH, Map 41.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the 67 Willow Street Realty, L.L.C. by an easement recorded in the Hillsborough County Registry of Deed in Book 6513, Pages 131 - 132 on October 30, 2001, said parcel containing an area of 0.15 acres, more or less.

Beginning at the southerly most point of said premises, at an iron pin with cap to be set: thence along a curve westerly along said percel with a radius of 962 57 feet, a distance of 470.56 feet to a point; thence N8°25'43"W a distance of 108.31 feet to a point; thence along a curve southeasterly with a radius of 932.57 feet to a point on Willow Street in Manchester, New Hampshire; thence S13°52'44" east a distance of 45.99 feet to the point of beginning, as shown on plan entitled "Easement Plan of Land prepared for Flying Horse Realty Inc., in Manchester, NH, scale 1" = 40", Date: January 11, 2000", prepared by Duval Survey, Inc., 14 Dartmouth Street, Hooksett, NH 03103, and recorded in the Hillsborough County Registry of Deeds as Plan No. 30334.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Flying Horse Realty. Inc., by an easement recorded in the Hillsborough County Registry of Deed in Book 6208, Pages 26 - 27 on February 9, 2000, said parcel containing an area of 0.34 acres, more or less.



As a further condition of this instrument, the City of Manchester agrees to the following:

- 1.) The City of Manchester shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public.
- 2.) Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to the Section 106 historic review process.
- 3.) The City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor.

Excepting and Reserving, to the State of New Hampshire by or through its Department of Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the Transportation of any successor agency and transportation easement, 30 feet in width, crossing all the Transportation easement, 30 feet in width, crossing all the Transportation easement, 30 feet in width, crossing all the Transportation easement, 30 feet in width, crossing all the Transportation easement, 30 feet in width, crossing all the Transportation easement, 30 feet in width, crossing all the Transportation easement, 30 feet in width, crossing all the Transportation easement, 30 feet in width, crossing all the Transportation easement, 30 feet in width, crossing all the Transportation easement, 30 feet in width, crossin

TO HAVE AND TO HOLD said premises, with all the privileges and appurtenances thereunto belonging to the City of Manchester, its successors and assigns forever.

IN WITNESS WHEREOF, The State of New Hampshire has caused its name to be set and its seal to be hereunto affixed by the Commissioner of the New Hampshire Department of Transportation, duly authorized and executed this 14 day of here 120 pl.

Signed, Sealed and Delivered in the presence of

Disce Harford

STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

NOTARY PUBLIC

Commissioner

THE STATE OF NEW HAMPSHIRE

COUNTY OF MERRIMACK

On this 147 day of Necentary, 20 01, before me, Alane Hartford the undersigned officer, personally appeared the Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the forgoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the Commissioner of the Department of Transportation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

DIANE L. HARTFORD Notary Public Day Commission For the Jack 17, 2004

Approved by New Hampshire Council on Resources and Development on July 14, 2000. Approved by Long Range Capital Planning and Utilization Committee on August 22, 2001. Approved by Governor and Executive Council on October 10, 2001, Item # 146.



City of Manchester Office of the Tax Collector

City Hall
One City Hall Plaza - West
Manchester, New Hampshire 03101 Joan A. Porter
(603) 624-6575 (Phone) Tax Collector
(603) 628-6162 (Fax)

Memorandum

DATE: April 30, 2004

TO: Land & Building Committee

FROM: Joan A. Porter, Tax Collector

RE: L Corner of Maple St/Somerville St

As the parcel referenced above is not a Tax-Deeded property, the Tax Collector's office has no interest in its disposition nor any further information to contribute.





Robert S. MacKenzie, AICP

CITY OF MANCHESTER

Planning and Community Development

Planning Community Improvement Program Growth Management



Staff to: Planning Board Heritage Commission Millyard Design Review Committee

May 24, 2004

Committee on Land and Buildings Honorable Board of Mayor and Aldermen Manchester City Hall One City Hall Plaza Manchester, New Hampshire 03101

Re: Disposition of City-owned former rail ROW parcel abutting 118 Maple Street

Dear Committee Members:

The City has received a written request by Mr. Gerald Cloutier, owner of J. C.'s Auto Sales (corner of Silver, Somerville and Maple Streets), seeking the opportunity to purchase a small triangular-shaped 5,271 s.f. section of the former B & M Portsmouth Branch rail line which abuts his property (see attached map). Mr. Cloutier's stated goal in such a purchase is that it would assist in resolving his used car business' on-site parking problems. At its widest, the subject city-owned parcel is app. 60' wide and contains the former railroad's steel rails and timber ballast which are still in place running down the middle of the parcel.

Surplus Determination: The Planning Department has communicated with the Parks, Recreation and Cemeteries Department in reviewing this property and has determined that the City has long-term plans to install a bike/pedestrian trail along the former Portsmouth Branch railroad line through this part of town to connect the state's Rockingham Recreational Trail on the east side of the city with the CrossTrails hub in the vicinity of the south Millyard ballfield. It was also found that the State of New Hampshire, in deeding the former rail ROW to the City, not only reserved a 30' wide transportation easement on the property for possible future rail uses but also maintained a right to approve any sale of the rail ROW which the City may wish to undertake. In view of these long-range plans and restrictions, our recommendation is that the subject parcel continue to be maintained in city ownership and not be declared surplus.

Disposition: Given the real commercial need by J. C.'s Auto Sales for added on-site parking, we feel that the City could reasonably enter into a lease agreement with Mr. Cloutier which would allow him to use approximately 30' of that portion of the subject parcel which is closest to his 118 Maple Street business such leass to include a reversionary clause that would allow the City to construct a recreational trail at any apt future date. The Committee may wish to consider this option.

Sincerely,

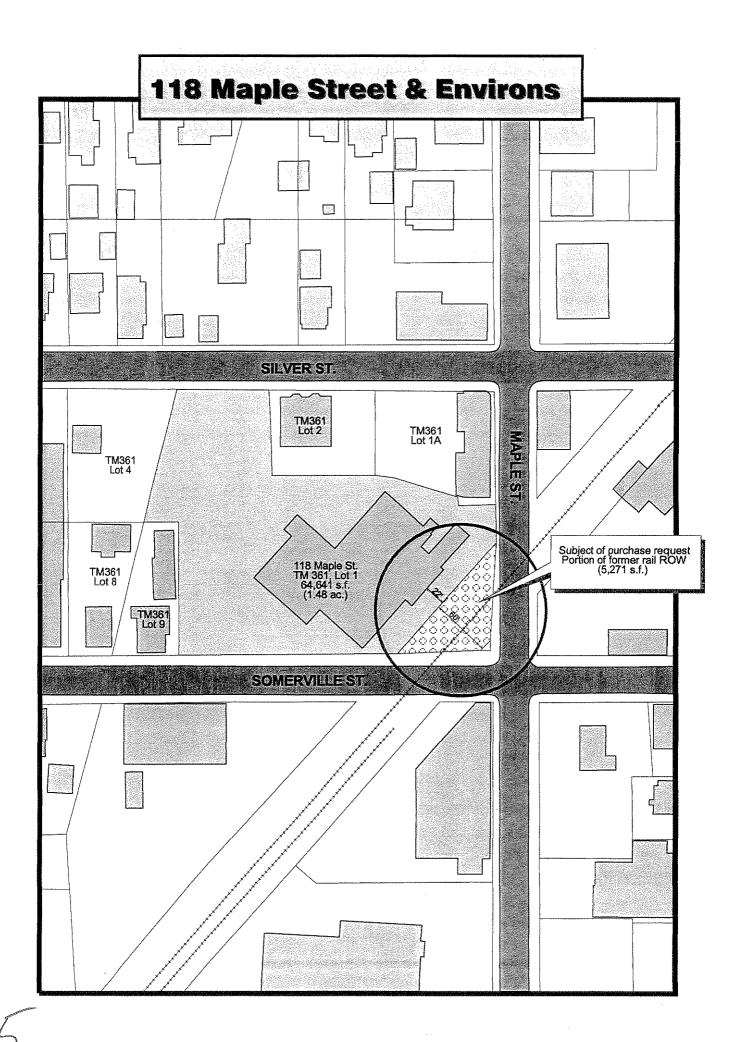
Robert S. MacKenzie

Director of Planning & Community Development

Copy: file

One City Hall Plaza, Manchester, New Hampshire 03101 Phone: (603) 624-6450 FAX: (603) 624-6529 E-mail: planning@ci.manchester.nh.us www.ci.manchester.nh.us







CITY OF MANCHESTER Parks, Recreation & Cemetery Department

625 Mammoth Road Manchester, NH 03104-5491 (603) 624-6565 Administrative Office (603) 624-6514 Cemetery Division (603) 624-6569 Fax

COMMISSION

George "Butch" Joseph, Chairman Steve Johnson, Clerk Michael Worsley Joseph Sullivan Sandra Lambert Ronald Ludwig, Director

May 21, 2004

Alderman Henry Thibault, Chairman - Lands & Buildings Committee Board of Mayor & Aldermen One City Hall Plaza Manchester, NH 03101

Re: Abandoned Rail Corridor Land Purchase request - Gerald Cloutier

Dear Alderman Thibault:

I would like to provide some comments regarding the request of Mr. Gerald Cloutier of J. C.'s Auto Sales to purchase a portion of the former Manchester and Portsmouth railroad line at 118 Maple Street. This property was transferred to the City from the State of New Hampshire on December 14, 2001.

The State of New Hampshire placed several conditions within the deed, including use and management restrictions and the need to obtain approval from the State before selling any portion of the property. Furthermore the State has reserved a (30') transportation easement on the property.

According to the City Master Plan, abandoned rail corridors throughout Manchester were identified as future greenways and trail connectors to the neighborhoods. We are currently working on two trail projects on abandoned rail corridors including the Piscataquog Trailway and South Manchester Rail Trail.

The property in question has also been identified as a connector to the Rockingham Recreational Trail, which the State currently manages from I-93 in Manchester easterly to the town of Newfields. As funding becomes available, we would like to improve this section of rail corridor for a recreational trail.

In view of the restrictions placed on this property by the State and the City's long range plans for recreational trails, we would recommend that the Board of Aldermen deny a fee simple purchase of this property. Instead, the Board may consider a lease agreement allowing use of the property with a reversionary clause that would allow the City to construct a recreational trail at a future date.

Sincerely yours,

Ron Johnson, Deputy Director

cc: Ronald E. Ludwig, Director

Robert A. MacKenzie, Planning Director



CITY OF MANCHESTER Parks, Recreation & Cemetery Department

625 Mammoth Road Manchester, NH 03104-5491 (603) 624-6565 Administrative Office (603) 624-6514 Cemetery Division (603) 624-6569 Fax

COMMISSION

George "Butch" Joseph, Chairman Steve Johnson, Clerk Michael Worsley Joseph Sullivan Sandra Lambert Ronald Ludwig, Director

July 26, 2004

[+15] T+ens#8,9+10

Alderman Henry Thibault, Chairman - Lands & Buildings Committee Board of Mayor & Aldermen One City Hall Plaza Manchester, NH 03101

Re: Abandoned Rail Corridors

Dear Alderman Thibault:

In 2001, the New Hampshire Department of Transportation transferred ownership of the Manchester and Portsmouth Branch railroad corridor to the City for use as a recreational trail. However, the state placed several restrictions on the use of this property that must be considered before a decision is made regarding requests from abutters to utilize portions of this property.

At the May 26, 2004 Lands and Buildings Committee meeting, a vote was taken to table these requests pending development of a standard policy by City staff. I recently met with Tom Arnold from the City Solicitor's Office and David Beauchense from the Planning Department to discuss what should be included in this policy. While our meeting was productive, we will need some additional time to develop a written policy for your review.

In view of the restrictions placed on this property by the State and the City's long range plans for a recreational trail, it is certain that we will not recommend fee simple purchases. It may be possible to develop an agreement for temporary use that would not include any structures with a reversionary clause that would allow the City to construct a recreational trail at a future date.

We will have our recommendations for this policy available for your next scheduled meeting.

Sincerely yours,

Ron Johnson, Deputy Director

cc: Thomas Arnold, Deputy City Solicitor

David Beauchense, Planning & Community Development



CITY OF MANCHESTER Office of the City Clerk



Leo R. Bernier City Clerk

Carol A. Johnson Deputy City Clerk

Paula L-Kang Deputy Clerk Administrative Services

Matthew Normand Deputy Clerk Licensing & Facilities

Patricia Piecuch Deputy Clerk Financial Administration

Memo To:

Kevin Sheppard, Deputy Director Public Works

Ronald Johnson, Deputy Director Parks, Recreation & Cemetery

Bob MacKenzie, Planning Director

From:

Valerie E. Fysh

Administrative Assistant

Date:

September 3, 2004

Re:

Request from Committee on Lands & Buildings

On July 27, 2004 the Committee requested that heads of any departments that could have input into the site selection for a dog park meet, in conjunction with the animal shelter, to determine the best and most feasible economic site within the city. At the meeting the committee discussed three sites, the landfill on Dunbarton Road, Straw Road, and West Mitchell Street.

The Committee had asked that the information be forwarded to them prior to their next meeting, however, that date is unknown at this time. We will notify you once the date has been determined.

I have enclosed a copy of the minutes as well as copies of three site maps from the meeting for your reference. Please contact me should you have any questions.

pc:

Frank Thomas



Mr. Sheppard answered that is one of the reasons that I believe the Highway Commission wanted a six-month trial period to see what the noise levels may be. The Flying Club has told us that there should not be issues with noise. They are looking at the hours of 10 AM to sunset but that is one of the concerns the Highway Commission had also. That is one thing that we are going to observe during the six-month trial period.

Alderman Roy stated I know they seem to have a considerable amount of insurance coverage. Any worries with the abutting highway.

Mr. Sheppard responded no. I believe the state would not allow them to fly over the highway. They would be limited to the air right above the landfill. Our recommendation is the same as the Highway Commission's recommendation. A six month trial period and negotiation of a usage agreement with the City Solicitor's approval.

Alderman Porter moved to allow the NH Flying Tigers R/C Club, Inc., to use the Dunbarton Road Sanitary Landfill for model activities on a six month trial period with negotiation of a usage agreement under approval of the City Solicitor's Office. Alderman Osborne duly seconded the motion.

Deputy City Clerk Johnson stated before you take a vote on that I just want to make you aware that there is another item coming into the Committee this evening that was supposed to be taken earlier from Alderman DeVries regarding dog parks and the sanitary landfill area was one of the considerations. I don't know if you want to defer action on this and take that up so you at least have an understanding of what the potential use could be.

Chairman Thibault stated okay we will hold the vote on that item. Kevin, do you have any recommendation on Alderman DeVries' request for a dog park?

Mr. Sheppard replied that is something we could take a look at. We could work together with the flying club and the dog park. We would have to sit down and take a look at the uses for both.

Alderman DeVries stated I think basically what I would like to request of the Lands and Buildings Committee at this point in time...as you well know there has been a lot of interest in establishing a dog park somewhere within the City. There are three parcels of land where I have done a preliminary walk through. These by no means are the only possible parcels in the City. What I would like to do is quickly show you the three that have been identified and then have you notify Parks & Recreation, Highway and any other department that may have future

needs to get feedback so we can determine whether or not they are available for the use of a dog park. What we have in mind would not be tax dollar driven. This would be a public/private venture where the City can determine based on their future needs for parcels whether or not they could give a possible lease or disallow the use of City owned parcels. The fundraising hopefully will be done as a separate entity so we do not have to look to the taxpayers to support this effort. I do also envision a governing body that will be set-up of interested volunteers who will help establish the rules as well as maintenance for this project. Starting off first the easiest of them but probably my personal least favorite would be the landfill. I have already had conversations with the Highway Director, Frank Thomas, and he has indicated that that would be appropriate within the limitations of the encapsulation of the landfill.

Mr. Tellier asked are you referring to the landfill, Alderman.

Alderman DeVries answered yes within the fenced enclosure at the landfill. That would be the easiest of the parcels for us to deal with. It is not my favorite just because we cannot...it has restrictions for use because it will be down on the level area, which is very long and narrow and not as conducive to all of the activities that we envision for this parcel but certainly we would make use of it if it is the only parcel that is available to us. Directly across the street from the landfill is the Manchester Animal Shelter. Stretching beyond the shelter and out towards Straw Road is the second parcel of interest for me and this is one that I have not heard from the Highway Department specifically. They have today a dirt road that comes down off of Straw Road that goes down into an area where they temporarily will store granite pieces and other such items. That is probably the most preferred area because it is not only more scenic but has the opportunity for some shade trees. There is a Black Brook that runs through that area so the governing body could make a decision as to, being those that are making up the rules and will help locate this park within the permitted land, they can decide if they want to have access into the brook or how that might work best for the dog park. There are distinct advantages to these two parcels in that there could be a collaboration that we could make with the Manchester Animal Shelter. I say that because today they really do not have adequate facilities to really exercise the dogs that they would have there on a temporary or a more long-term basis. If we do locate at either of these locations I think there is a partnership that we can make with the Animal Shelter where we can get them some access to the fenced area and they probably would very much encourage either of these locations. Stretching out towards the animal shelter there are also other areas at the landfill that the Highway Department uses and I would like to take a look at the other portions of that particular City-owned parcel with the Highway Department to see where they would steer me on that parcel.



Mr. Tellier stated while we are here for the benefit of the Committee the parcel highlighted is the animal shelter. The next parcel highlighted here is the landfill. This parcel being highlighted is the City's drop-off facility.

Alderman DeVries responded the third one stretching out towards Straw Road...all of the rest of that parcel is also City-owned.

Mr. Tellier stated this is the one she is referring to on Straw Road.

Alderman DeVries stated I believe that might even be the dirt road that goes down into that that is showing on the map. It currently looks like...if you go down on Straw Road you can see you look down into it and there is a wide open field at the bottom and you will see the pieces of granite that have been stored there. There is great potential on that site. The third parcel that I identified and this is certainly not a complete or conclusive inventory of the lands. It was several months ago that I spent some time looking at the City lands and looking for parcels that I felt would be remote from existing neighborhoods so that there would not be serious noise issues to deal with. The third parcel is down stretching between the Pine Grove Cemetery and the Brown-Mitchell ball field off of West Mitchell Street. The advantage to that particular parcel is...I believe it is a little bit more central to a high-density population so it probably is not considered quite as remote as the landfill is for the City. The difficulty with that particular parcel is that parking today is an extreme issue, which would require additional fundraising in order to grade some sort of a road that would stretch in behind the ball field and to grade out an area that would allow sufficient parking. So there are some pluses and minuses. The good thing is that certainly with the cemetery abutting this property on several sides it does lend to it being remote but still within a very, as you can see on the picture that is up now, it is a very dense neighborhood. This is down off of the Calef Road corridor. It is closer to the inner-city. The request I would make of the Committee at this time is if they could formally contact the different departments to see if there were any issues for future use with either of these three parcels that I have identified and if you could specifically contact Parks & Recreation, Water Works and the Highway Department and ask if they have any suggestions of other parcels several acres in size that they think might satisfy the needs to establish a dog park so that this Committee can identify and look at those more closely.

Alderman Roy asked how many acres are you looking for as a minimum or maximum.

Alderman DeVries answered I don't think we have made an actual determination of minimum or maximum. We feel that two to three acres would be wonderful. It really depends on the parcel, the topography of that particular parcel...what we are



dealing with is there is natural tree cover. You may want to leave some of that and have other parcels that are left open or other portions of it left open in a field to allow frisbee activity, ball throwing and that kind of thing.

Alderman Porter asked Kevin if the landfill site were selected for that purpose would that preclude the aviation project.

Mr. Sheppard answered I believe the air club would prefer to have full usage when they are there but it is something that we could take a look at in the big picture of things. I don't think we want to limit the use of the landfill to this model flying club. I think we need to take a look at all uses on this site.

Alderman DeVries stated I think in the lease agreement that had been drawn up with them there was no indication that they had exclusive use of that parcel. I don't remember seeing it and I did look for that but maybe that is something that the City Solicitor should weigh in on.

Mr. Sheppard responded if this was to move forward we would discuss that as part of the agreement with the air club.

Alderman Porter withdrew his motion to allow the NH Flying Tigers R/C Club, Inc., to use the Dunbarton Road Sanitary Landfill for model activities on a six month trial period with negotiation of a usage agreement under approval of the City Solicitor's Office.

Alderman Osborne withdrew his second.

Alderman Osborne asked Steve how much land is out at the shelter. How much land did they acquire there?

Mr. Tellier answered the animal shelter is a very small site. It is about an acre I think. It is bordered on three sides by the drop-off facility and on the fourth side it fronts Dunbarton Road. It is the approximate size of a house lot. It is very small and it is show right in front of you.

Alderman DeVries stated if I could follow-up on that I am certainly not looking to limit that operation. I look at the animal shelter today saving the City quite a bid of money through volunteer efforts that we would be paying for otherwise. We don't want to inhibit that operation or any future claims they might have for that location but we would love to work with them to enhance their life as well as facilitate ours.

Mr. Tellier stated what Kevin has done is show you the aerial view of the drop-off facility. As you can see the majority of the site is paved and utilized in a pretty concentrated fashion. The parts that are dirt, a lot of those are lay down areas for metals or composite materials and that type of thing. I certainly wouldn't speak for the Highway Commissioner but I have been there on many a Saturday and it is a pretty dense operation at least at that site.

Alderman Gatsas asked is the green roof building the animal shelter.

Mr. Sheppard pointed out the animal shelter on the screen.

Alderman Gatsas asked and going in that direction where the arrow is moving.

Mr. Sheppard answered that is a flare for the landfill excess gas that is not burned through the gas energy facility. This recently has not been used too often because they are burning most of the gas that is coming off of the landfill.

Alderman Gatsas asked what are the chances...

Mr. Sheppard interjected I just want to show you the facility for burning gas which is right in here.

Alderman Gatsas stated I am talking about across the shelter. What is the other green building?

Mr. Sheppard responded that is the flare for the methane gas.

Alderman Gatsas asked how much space is there between that and Dunbarton Road.

Mr. Sheppard answered it actually drops off from Dunbarton Road. There is a grade there. There is probably 50 feet maybe but it does drop off from Dunbarton Road.

Alderman Gatsas asked from the animal shelter to that is a steep grade also.

Mr. Sheppard answered to be quite honest I believe it may drop off somewhat between the animal shelter and this flare also. I believe the grade comes down from this direction towards the flare and also from the road down to the flare.

Alderman Gatsas stated well from some inside information that I have gotten I know that the Friends of the Manchester Animal Shelter are in a fundraising mode to expand the building.



Mr. Sheppard answered right.

Alderman Gatsas stated it would certainly make sense that if we were going to put an effort together that certainly the dog park would be part of that and it probably from a fundraising point of view may be a little bit easier not having to worry about somebody else maintaining it where it could be tied in because as Alderman DeVries said right now it is saving the City money because the animal shelter in Nashua is getting subsidized to the tune of about \$120,000 when we are doing the same thing in Manchester for about \$40,000. It would make sense because the last building that was constructed there had dealt with money from the closure of the landfill because the building was across the street and I think it was like \$125,000 and when they were done they raised another \$150,000 to complete the building and I know they are looking for more space. I would think that that would probably be the most logical place where it could tie in and whether with all of the fill that is...where we are moving dirt everywhere there is probably an opportunity to take some of that fill and cap it where it is not going to be built on and really just made for a dog park I think that would maybe be the place that would make the most sense where it could tie in with two different facilities to get the project done.

Alderman Roy stated to capitalize on Alderman Gatsas' thought Kevin could you highlight the southern section of that building or move the map. How far south is the brook from where you store excess loam?

Mr. Sheppard answered the brook is pretty close. We actually have a berm that surrounds our site. You can see the brook is right here. Here is the animal shelter. This is where we are storing gravel.

Alderman Roy asked and this is just gravel and extra construction materials.

Mr. Sheppard answered correct.

Alderman Roy asked and this is all City-owned out to Dunbarton Road.

Mr. Sheppard answered correct.

Alderman Roy stated at this time if it pleases the Chair on behalf of Alderman DeVries I would like this Committee to direct all department heads that could have input into site selection to report on these three sites with emphasis put in conjunction with the animal shelter to help determine the best and most feasible economic site for a dog park.



Alderman Gatsas asked can I make an amendment to include the animal shelter in the discussions. Alderman Osborne duly seconded the motion. Chairman Thibault called for a vote. There being none opposed the motion carried.

Alderman DeVries stated I have spoken with the Board of Directors and the President of the Animal Shelter and that is wonderful. I guess in closing what I would say is even if this is a remote location of the City that maybe doesn't best serve all of the City's needs, getting something up and running to have our first dog park is important and what we can continue to do or what I can continue to do working with volunteers is if other lands become viable we can look for other fundraising options and see if we can have more than one dog park in the City but I will start with the one because one is better than none. There is a lot of enthusiasm out there for this.

Mr. Sheppard asked can I just clarify. Did Item 17 get tabled or does it remain on the table?

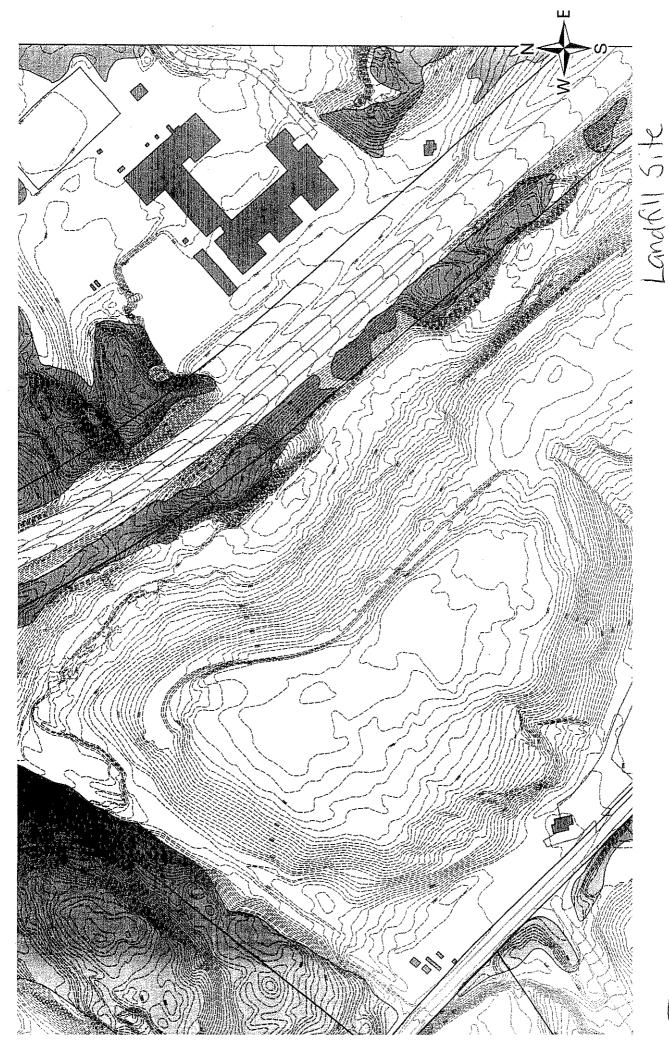
Alderman Porter stated I withdrew my motion. I will move to put it back on the table. Alderman Osborne duly seconded the motion. Chairman Thibault called for a vote. There being none opposed, the motion carried.

There being no further business, on motion of Alderman Porter, duly seconded by Alderman Osborne it was voted to adjourn.

A True Record. Attest.

Clerk of Committee











City of Manchester Parks, Recreation & Cemetery Department

Inter-Office Correspondence

Memo to: Mr. Leo Bernier, City Clerk

From: Ron Ludwig

Date: September 7, 2004

Re: Request for Information Dog Park West Mitchell/Pine Grove Cemetery

Attached is the information requested from the Committee on Lands and Buildings at their July 27, 2004 meeting. According to the memo from the Clerks Office no date has been set for this meeting at this point. Could you kindly include our response to the Request for Information on the next agenda? Thank You.





CITY OF MANCHESTER Parks, Recreation & Cemetery Department

625 Mammoth Road Manchester, NH 03104-5491 (603) 624-6565 Administrative Office (603) 624-6514 Cemetery Division (603) 624-6569 Fax

COMMISSION

George "Butch" Joseph, Chairman Steve Johnson, Clerk Michael Worsley Dennis Smith Sandra Lambert Ronald Ludwig, Director

September 7, 2004

Committee on Lands and Buildings Alderman Henry Thibault, Chairman One City Hall Plaza Manchester, NH 03101

Re: Request for Information
Property off West Mitchell St./Pine Grove Grove Cemetery
Possible Dog Park

Dear Committee Members,

The Department has been asked to respond to a request to possibly locate a Dog Park off West Mitchell ST behind the Brown and Mitchell Softball Field in the Pine Grove Cemetery. After speaking with the Cemetery Supervisor, Mr. Gerry Coulter, and other members of our staff we have determined that this site would not be an appropriate location. Even though it appears that a large amount of space exists in this area it is still in close proximity to Cemetery lots and graves that have already been sold. Also in the opinion of those who have years of experience at the Cemetery, a Dog Park would not be a good fit when the services are being conducted in this general location.

As also requested, I will continue to keep an eye open for other sites that may be a better fit for this type of facility.

Should the Committee have additional questions I would be more than happy to respond.

Sincerely,

Ronald E. Ludwig Director



City of Manchester Department of Highways

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Commission

Edward J. Beleski - Chairman Henry R. Bourgeois William F. Kelley Michael W. Lowry William A. Varkas

Frank C. Thomas, P.E. Public Works Director

Kevin A. Sheppard, P.E. Deputy Public Works Director

September 9, 2004

Land and Buildings Committee of the Honorable Board of Mayor and Aldermen CITY OF MANCHESTER One City Hall Plaza, Manchester, New Hampshire 03101

Re: Dog Park Site

Dear Committee Members:

I am writing in response to the Committee's request for input into the site selection for a dog park. Two of the sites warrant our comment:

- The first site is located off of Straw Road. We would not recommend this site for several reasons, including the site is utilized for material storage, the site does have areas of wetland and the access to the site is not desirable. Due to the limited storage capacity at our Dunbarton Road site, we will need to continue storing material at this location.
- The second site is the landfill and/or the small area of land to the west of the existing Animal Shelter. These areas would be acceptable subject to the areas being fenced and having a controlled access.

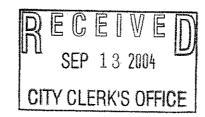
Although the park may potentially be located on land of the Highway Department, it is our assumption that all maintenance of the area will be done by a private group. I will be available should you have any questions pertaining to this matter.

Sincerely,

Kevin A. Sheppard, P.E. Deputy Public Works Director

/cd

cc: Frank C. Thomas, P.E.
Alderman Betsi DeVries





New Hampshire Flying Tigers R/C Club, Inc.



P.O. Box 99
Derry, NH 03038
www.newhampshireflyingtigers.org

Mr. Frank Thomas Director of Public Works 227 Maple Street Manchester, NH 03103 February 13, 2004

Mr. Thomas,

This letter is to follow up on our prior correspondence and telephone calls about the use of the Dunbarton Road Sanitary Landfill for model activities by the NH Flying Tigers R/C Club.

The NH Flying Tigers is a non-profit organization incorporated in the State of New Hampshire. We have been in existence since the early 1970's. Our membership typically varies between 50 and 70 members covering the ages of 7 to 70. A normal day may find between 5 to 10 people at our flying field as not all of our members actively fly, some fly during the week while others fly on weekends. We maintain our own facilities, and have a set of rules and procedures in place to ensure the environment is kept clean and that our members always consider safety first while respecting our neighbors. We would expect no additional costs or burdens to the City of Manchester as we are totally self sufficient.

Our club is chartered by the Academy of Model Aeronautics (AMA) which is a national organization. We require each of our members to also be a member of the AMA. Membership in the AMA includes liability insurance for each member and our club. Our AMA insurance allows us to name the landowner of our flying site onto our policy to provide \$2,500,000.00 of primary liability coverage for the landowner at no cost to the landowner.

We feel that the Dunbarton Road Sanitary landfill and model activities are a perfect match. Use of a landfill for model activities is not unprecedented. I can also supply you with a list of over 150 landfills across the United States, including some in the State of New Hampshire, which are being used by organizations such as the NH Flying Tigers.

The New Hampshire Flying Tigers R/C Club would love to work with the City of Manchester to make the Dunbarton Road Sanitary Landfill a useful part of the community and something that the City of Manchester would be proud of.

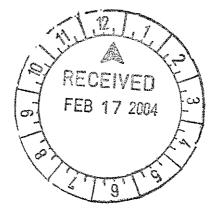
Please consider this an official request of The New Hampshire Flying Tigers Radio Control Club for exclusive use of the Dunbarton Road Sanitary Landfill by our members and guests for model activities.

Sincerely,

Dich Da

7 Redfield Circle Derry, NH 03038

phone: (603) 216-2180



New Hampshire Flying Tigers R/C Club, Inc.



P.O. Box 99 Derry, NH 03038 www.newhampshireflyingtigers.org

Mr. Frank Thomas Director Public Works 227 Maple Street Manchester, NH 03103 January 30, 2004

Mr. Thomas,

Thank you so much for offering to work with the NH Flying Tigers Radio Control Club on the possible use of the Manchester Landfill. We visited the landfill in September and are excited by the possibilities of using the landfill for the flying of model aircraft. We feel the site would be perfect for this activity.

I would like to discuss this opportunity further with you. I'm sure that you have many questions for us. The NH Flying Tigers is a non-profit organization incorporated in the State of New Hampshire. Our membership typically varies between 50 and 70 members, between the ages of 7 to 70. We normally have about 5 to 10 people at our current flying field on any average day, not all of our members are actively flying. Some fly during the week while others fly on weekends. Please visit our web site www.newhampshireflyingtigers.org to read more about us.

Our club is chartered by the Academy of Model Aeronautics (AMA) which is a national organization. We require each of our members to also be a member of the AMA. Membership in the AMA includes insurance for each member and our club. Another benefit of the AMA insurance is that we can name the landowner of our flying site onto our policy very easily. I have included some information on the AMA with this letter. You can read more about the AMA via their web site www.modelaircraft.org.

I have included a picture to show the area of the landfill which we would like to use as our main flying area. This is by no means final, but after our first visit it seems a logical location. I can also supply you with a list of over 150 landfills across the United States which are being used by model airplane flying clubs such as the NH Flying Tigers.

Please feel free to contact me to answer any questions and to suggest a time when we could meet to discuss this further. My daytime phone number is (603) 216-2180. Evenings I can be reached at (603) 432-9002.

Sincerely,

Rich Bono

7 Redfield Circle Derry, NH 03038



This is a picture of the Manchester, NH landfill showing the proposed location for flying of R/C aircraft by the New Hampshire Flying Tigers R/C Club, Inc.



We would fly mainly east of the area shown as a proposed runway. Our current runway is grass, maintained by our members. The NH Flying Tigers owns a lawnmower for maintenance of our flying site.

It is expected that all flying would take place over the fenced in landfill area.

We propose that members park their cars on the north-west or west side of the proposed runway.

The area shown would work well for us by allowing an ample flying space while keeping the sun behind us and out of the pilot's field of view when flying.

We would be very happy to discuss alternates to this proposal.

for your information ACADEMY OF MODEL AERONAUTICS

5161 East Memorial Drive Muncie, Indiana 47302 (765) 287-1256 FAX (765) 289-4248

MIVIA BINCE 1936

AMA is the Academy of Model Aeronautics.

AMA is the world's largest sport aviation organization, representing a membership of more than 170,000 from every walk of life, income level and age group.

AMA is a self-supporting, non-profit organization whose purpose is to promote development of model aviation as a recognized sport and worthwhile recreation activity.

AMA is an organization open to anyone interested in model aviation.

AMA is the official national body for model aviation in the United States. AMA sanctions more than a thousand model competitions throughout the country each year, and certifies official model flying records on a national and international level.

AMA is the organizer of the annual National Aeromodeling Championships, the world's largest model airplane competition.

AMA is the chartering organization for more than 2,500 model airplane clubs across the country. AMA offers its chartered clubs official contest sanction, insurance, and assistance in getting and keeping flying sites.

AMA is the voice of its membership, providing liaison with the Federal Aviation Administration, the Federal Communications Commission, and other government agencies through our national headquarters in Muncie, Indiana. AMA also works with local governments, zoning boards, and parks departments to promote the interests of local chartered clubs.

AMA is an associate member of the National Aeronautic Association. Through NAA, AMA is recognized by the Fédération Aéronautique Internationale (FAI), the world governing body of all aviation activity, as the only organization which may direct U.S. participation in international aeromodeling activities.

For more detailed information, contact the Academy of Model Aeronautics, 5161 E. Memorial Drive, Muncie, Indiana, 47302 or telephone 1-765-287-1256.



AMA BENEFITS

World's Largest Aeromodeling Organization

ORGANIZATION

Non-Profit

- Tax Exempt Under IRS Section 501(c)(3)
- Members Elect Corporate Officers
- Monthly Magazine
- Published Financial Information
- Active Representation with US Government Agencies (FAA, FCC, and Department of Interior)
- National and Regional
- Flying Site Development
- Serving Aeromodeling Since 1936
- Organizational Assets (\$11 million)
- Member of National Aeronautical Association

SERVICE TO AEROMODELING

Aeromodeling Videos

- Historic Preservation and Research (Museum, Archives, and Library)
- Recognition and Awards
- Scholarship Program
- Educational Programs
- Air Show Team Program
- Mall Show Program
- Fun Fly Activities (National, Regional, and Local)
- Web Page on Internet

COMPETITION SUPPORT

Member Developed Rules

- National Championships
- International Participation

CLUB SUPPORT

Flying Site Assistance

- Frequency Monitoring and Sound Measuring Equipment
- National Newsletter for Clubs
- Field Safety and Frequency Posters
- Club Officer Recognition
- Introductory Pilot Program
- Primary Site Owner Insurance

TECHNICAL SUPPORT

- Sound and Propeller Research
- Active Safety Advocacy
- Research Library
- Aviation Books
- Airfoil Technology Research

INSURANCE COVERAGE*

- \$2,500,000 per occurrence. General liability coverage to members, clubs, siteowners
- \$25,000 Medical Coverage—AD&D Policy (\$10,000 Death Benefit)
- \$1,000 Fire, Theft, and Vandalism Policy
- Various Types of Aeromodeling Covered (RC, FF, and CL)
- Liability also covered for operations of:
 Model Boats
 Model Cars
 Model Rockets

*per terms of policies acquired by AMA

Academy of Model Aeronautics 5161 East Memorial Drive Muncie IN 47302

Tel.: (765) 287-1256 Fax: (765) 289-4248 www.modelaircraft.org



City of Manchester Department of Highways

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Remained on table

Commission

James E. Connolly, Jr
- Chairman
Henry R. Bourgeois
William F. Kelley
Edward J. Beleski
Peter Favreau

Frank C. Thomas, P.E. Public Works Director

Kevin A. Sheppard, P.E. Deputy Public Works Director

March 10, 2004

Committee on Lands and Buildings of the Honorable Board of Mayor and Aldermen One City Hall Plaza Manchester, New Hampshire 03101

Attn: Leo R. Bernier, City Clerk

Re: New Hampshire Flying Tigers R/C Club, Inc.

Dear Committee Members:

Attached, please find a request from the referenced club for the use of the Dunbarton Road Sanitary Landfill for model activities. In discussion with Frank Thomas, we would support this use, subject to the negotiation of an agreement which is acceptable to the City.

Your review and comment on this request would be appreciated. We are available to answer any questions you may have on this matter.

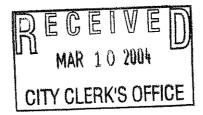
Sincerely,

Kevin A. Sheppard, P.E.

Deputy Public Works Director

/cd

cc: Frank C. Thomas, P.E. CLD Engineers Inc. NH Flying Tigers R/C Club, Inc.





City of Manchester Department of Highways

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

review of dog park I information-attached

Commission

Edward J. Beleski - Chairman Henry R. Bourgeois William F. Kelley Michael W. Lowry William A. Varkas

Frank C. Thomas, P.E. Public Works Director

Kevin A. Sheppard, P.E. Deputy Public Works Director

June 8, 2004

Land and Buildings Committee of the Honorable Board of Mayor and Aldermen CITY OF MANCHESTER One City Hall Plaza, Manchester, New Hampshire 03101

Attn: Mr. Leo R. Bernier, City Clerk

Re: New Hampshire Flying Tigers R/C Club, Inc.

Dear Committee Members:

I am writing to inform you that the Highway Commission at their meeting of June 7th, discussed the referenced club's request to utilize the landfill. On a motion by Commissioner Henry Bourgeois, seconded by Commissioner William Kelley, the Commission has agreed to allow use of the landfill subject to the following:

- Approval by the Board of Mayor and Aldermen,
- Six month trial period,
- Negotiation of a usage agreement which must be approved by the City Solicitor's Office.

Your review and comment on this matter would be appreciated.

Sincerely,

Kévin A. Sheppard, P.E.

Deputy Public Works Director

/cd

cc: Frank C. Thomas, P.E.

NH Flying Tigers R/C Club, Inc.

NHDC Realty Trust

(c/o: Norm Hebert, TRUSTEE)
22 Hickory Drive
Amherst, New Hampshire 03031

tel/fax: (603)-672-4510

March 24, 2004

Aldermanic Committee of Lands and Buildings c/o: City Clerks Office City Hall 1 City Hall Plaza Manchester, NH 03101

RE: Acceptance of Proposed ROW, 2989 Brown Avenue

Dear Persons:

Per the recommendation of Frank Thomas of the Highway Department, this letter is being sent to you.

I am asking that you formally accept the "Proposed ROW" that was promised to me when I donated a small portion of my property (now known as Map 750, Lot #30A) to the city back on June 26th, 1985, per the attached Manchester Highway Department Plan dated May 20th 1985. The "old" Brown Avenue ROW has been highlighted in yellow and the "proposed" (promised) ROW has been highlighted in pink for the sake of clarity. As you will see, our Lot (known as #30B) had approximately 58.5' of Brown Avenue frontage prior to this conveyance, but now, according to the City, it has only 29' of Brown Avenue frontage. By now formally adopting this long promised ROW modification, our Lot 30B will then be considered to have approximately 85' of frontage along Brown Ave.

For additional corroboration, we are attaching a sworn affidavit from Mr. Steven White PE, who negotiated this donation with me back in 1985 on behalf of the City. (My understanding is that the original signed version of this Affidavit is filed at the Hillsborough North Superior Court, Chestnut Street, Manchester NH under docket #02-E-0507).

Thank you in advance for your prompt attention to this matter.

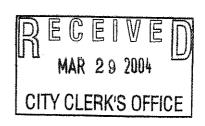
Sincerely,

Norm Hobert TOUCTEE

Per: USPS Certified Mail, Article# 7001-0320-0004-1753-8850

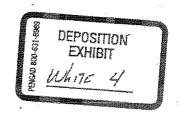
Cc: Mr. Frank Thomas, Director, Manchester Highway Department Attorney Ed Boutin, Esq.

Accorney La boaciii, Lsq.





AFFIDAVIT



The undersigned, Steven R. White, P.E., being duly sworn, hereby deposes and says:

- 1. At all relevant times I was a registered professional engineer in the State of New Hampshire.
- 2. I am presently employed by, and my business address is, Fay Spofford and Thorndike, Engineers, at 288 South River Road, Bedford, New Hampshire 03001.
- 3. In the spring and summer of 1985 I was engaged as an engineer with the firm of Andrews & Clark, Inc. which had offices in Amherst, New Hampshire.
- 4. Andrews & Clark, Inc. had been retained by the City of Manchester in connection with the reconstruction of a portion of Brown Avenue in Manchester, New Hampshire.
- 5. I was the project manager for this project and had authority to negotiate with abutters concerning property acquisition and temporary construction easements necessary for the City of Manchester to complete this project.
- 6. I negotiated temporary and permanent easements on the property of Normand and Doris Hebert located on said Brown Avenue.
- 7. The easements that I negotiated are shown on Exhibit A and are referred to in the transmittal letter attached thereto dated June 10, 1985.
- 8. Mr. Hebert indicated to me that he was contemplating the future subdivision of this lot and was concerned that he would lose valuable Brown Avenue frontage if he donated the small piece of land to the City that was needed to reconstruct the Brown Avenue Bridge.
- 9. I assured Mr. Hebert that it was not the City's intent that his frontage in any way be negatively affected by the proposed conveyance, but Mr. Hebert indicated that he would not be convinced unless he had something "In writing" to reflect that from the City.
- 10. In an attempt to resolve Mr. Hebert's concerns, I discussed this matter with Mr. Stan Kosowicz, the City's Assistant Public Works Director, who had the bridge replacement plan redrawn to reflect the Hebert's "existing" and "proposed" R.O.W. along Brown Avenue, both before and after the proposed conveyance. That plan is attached as Exhibit B.
- 11. Only after being furnished with a copy of this plan, did the Heberts then donate the requested piece of land to the City for consideration which totaled one US dollar.

65/8

12. If the City is now denying that these a	assurances were given to	Mr. Hebert at t	he time,	•
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Dated this day of July, 2003.				
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Personally appeared the above named Ste	ven R. White on this	cay of July,	2003	
i made oath that the above stated facts are true	to the best of his knowl	edge and belier.	•	
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City of Manchester Department of Highways

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Frank C. Thomas, P.E. Public Works Director

Kevin A. Sheppard, P.E. Deputy Public Works Director

September 23, 2004 04-112

Committee of Lands & Buildings of the Honorable Board of Mayor and Aldermen Alderman Henry R. Thibault, Chmn. City Clerk's Office One City Hall Plaza, Manchester, New Hampshire

Re: Norm Hebert, NHDC Realty Trust 2989 Brown Avenue

Dear Alderman:

The Heberts over the years have assisted the City of Manchester, Highway Department in granting the City both temporary and permanent easements and a small parcel of land in order for the City to rehabilitate the Pine Island Dam and to rehabilitate the Brown Avenue Bridge over Cohas Brook.

In 1985, the City acquired a small parcel of land from the Heberts in order to properly rehabilitate the Brown Avenue Bridge over Cohas Brook. I was not the project manager/engineer for this work, which was designed by a private consulting firm. However, project oversight was handled out of our Engineering Section.

It is my understanding that Mr. Norm Hebert is claiming that when the land was given the City for the Bridge Project, representations were made that he would not lose any street frontage and that the land would become part of the street right-of-way. I cannot state whether these representatives were made or not, but a plan on record in the Department does note "Proposed R.O.W." on the new easterly property line.



The City was given a permanent easement by the Heberts along their easterly property line abutting Pine Island Pond. This easement was required as part of the Pine Island Dam Project in order to construct an earthen dike/berm from the dam northerly. This easement had the restriction of no permanent structures. After this project was completed, the senior Mr. Hebert asked if a mobile home on blocks would meet the requirements of a temporary structure and we said yes, if it could be removed within a defined time period. The mobile home was never placed and it is my understanding that Norm Hebert has had the easement area filled. This filling does not release the restriction of no permanent structure. Before any consideration can be made to remove the restriction of no permanent structure, we will have to evaluate our future needs of this easement area.

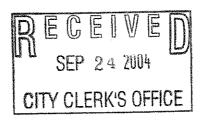
In closing, if the request from Mr. Hebert is to have the City establish a new street right-of-way, the request should go through the CIP Committee with a recommendation of accepting the dedication through the road hearing process.

Very truly yours,

Frank C. Thomas, P.E. Public Works Director

/c

cc: Norm Hebert







City of Manchester Department of Highways

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

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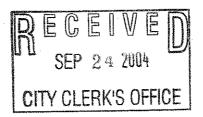
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Very truly yours,

Frank C. Thomas, P.E. Public Works Director

/c

cc: Norm Hebert





Associated Realty 816 Elm Street #186 Manchester NH 03101 (603) 668-6900

The Board of Mayor and Alderman c/o Manchester City Clerk 1 City Hall Plaza Manchester NH 03101

Dear Members of the Board:

This office represents Mr. Rene Soucy in his attempt to purchase the property on Frances Street in Manchester known and described as upper lot 24 and lower lot 23 map 861.

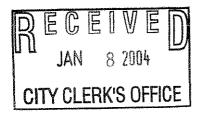
His right to purchase this property is contingent upon his purchasing lot #25 from the City of Manchester. Mr. Soucy wishes to purchase lot #25 for \$10,000.00 from the city and he has notified Mr. Peter Sampo, the only other abutter of his intent.

Kindly please consider Mr. Soucy's offer and notify me of additional steps necessary to complete this purchase.

Thank you in advance for your anticipated help with this matter.

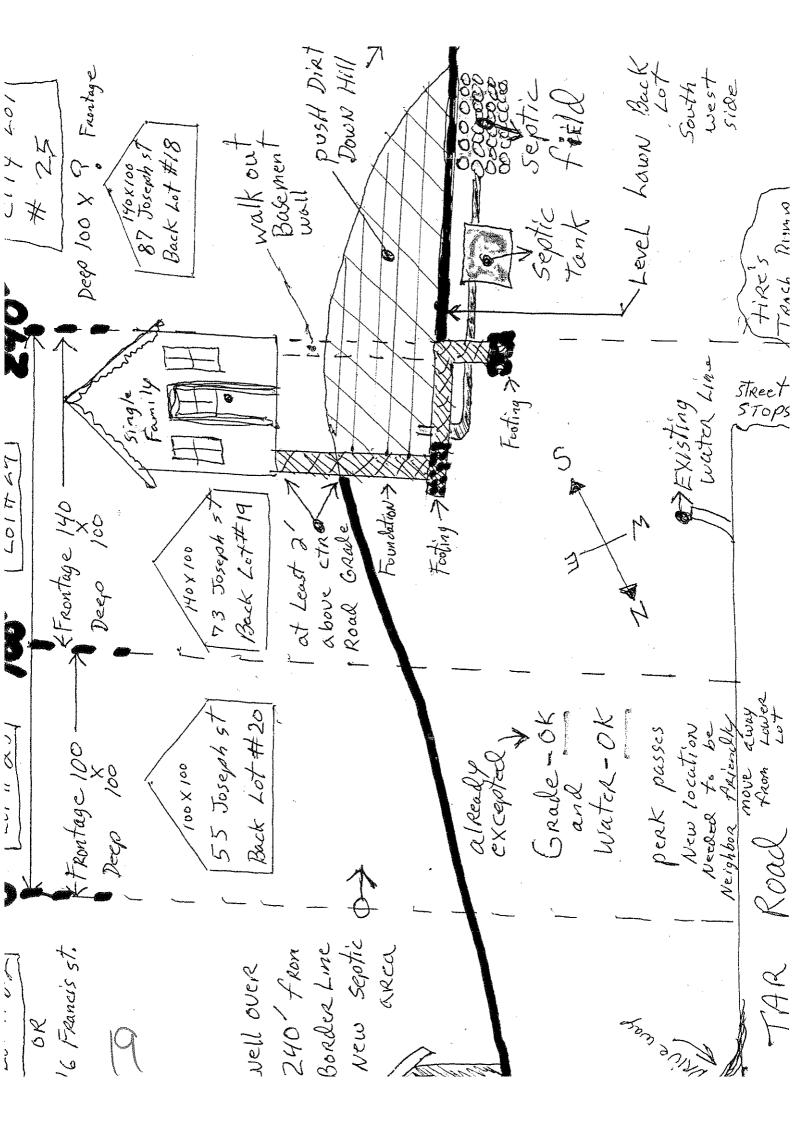
Sincerely

Kenneth A DeSchuiteneer



***************************************	Buildings and Land Commity;
. /	Gentlemen,
	I am negotiating to purchase two lot's on Francis street (west) in
	menchester. The lot's are #23 and 24 on city map #861.
The second secon	#861. I am interested in purchasing a lot
	24, or whatever part of it I would need
	to consolidate with lot #24 in order to build a single family dwelling. I would keep lot #23 as a dry lot
	and a buffer to be neighbor friendly.
	Thank you for your consideration
R	100x100 would do.

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Appraised OB (L) Value (Bldg)
Appraised Land Value (Bldg)
Special Land Value Total Appraised Card Value Total Appraised Parcel Value Valuation Method: Appraised Value 8.000 CURRENT ASSESSMENT lue Yr. Code 8,000 2001 1320 of Comments Card 1 8,000 Code 9500 Assessed Value 18,000 SF C. Factor Nbhd. 1.00 520 Comm. Int. Date Comp. Description Bldg #: EXM LAND Yr. Code 2002 9500 Fotal: LAND LINE VALUATION SECTION Amount % Comp. Parcel Total Land Area: BK-VOLPAGE SALE DATE qu vi SALE PRICE V.C. OTHER ASSESSMENTS TOPO. | UTILITIES | STRT.ROAD | LOCATION 3437548 RAD OR CAD CAD = 642
YES Old LUC
NO Sketch Note V
18000 Land Class R
Parcel Zip 03102 Insp. Date Unit Price Number Urban MAP ID: 0861/ / 0025/N / BUILDING PERMIT RECORD Description 18,000.00 SF 8 None Units 18,000.00 SF Other ID: 3437548 YES NO 18000 8 None CodeNOTES Ž Total Card Land Units Depth I (Detrimental Description 9 Unbuildable rontage/Dep Account # Land Adjust Voided Total SF Zone Amount GIS ID: Frontage Total: Zone TTY OF MANCHESTER TAX COLLECT EXEMPTIONS ITY OF MANCHESTER TAX COLLECT TypeCURRENTOWNER Type/Description Description
NON TAX R operty Location: FRANCIS ST Issue Date NE CITY HALL PLAZA (ANCHESTER, NH 03101 dditional Owners: Use Code 9500 sion ID: 26874 Permit ID Year

Property Location: FRANCIS ST Vision ID: 26874

MAP ID: 0861/10025/N/ Other ID:

Print Date: 09/22/2003 09 SKETCH fo CardBldg #: Unit Cost Undeprec, Value Apr. Value Factor Description CONDOMOBILE HOME DATA OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B) COST/MARKET VALUATION Commercial Data Elements | Cd. | Ch. | Descr Description %Cnd $\frac{1.00}{0.00000}$ 0 Bldg Val: 0.00 Dp Rt BUILDING SUB-AREA SUMMARY SECTION CodeLiving Area Gross Area Eff. Area YrAdj. Base Rate Bldg. Value New Year Built Eff. Year Built Nrml Physel Dep Funcul Obsinc Com Obsinc Specl. Cond. Code Specl Cond % Overall % Cond. Deprec. Bldg Value Number of Units Number of Levels % Ownership Ceifing/Wall Rooms/Prtns % Common Wall Wall Height Unadj. Base Rate Size Adj. Factor Grade (Q) Index Heat & AC Frame Type Baths/Plumbing CONSTRUCTION DETAIL Complex Floor Adj Unit Location Element Unit Price lement L/B Units Percentage 100 Description Vacant Land MIXED USE Vacant Description Description Til. Gross Liv/Lease Area NON TAX R Ü Cď. Roof Structure Heating Fuel Heating Typc AC Type exterior Wall 1 nterior Floor 1 nterior Wall 1 Bath Type Kitchen Style Element Fotal Rooms Style/ Type Model Roof Cover Sathrooms **Decuparity** 3edrooms CodeCode 9500 Stories CodeGrade

To: Committee on Lands and Buildings

From: Board of Assessors Date: November 6, 2003

Re: (Map 861, Lot 25-N)

Request to Purchase Property Francis Street

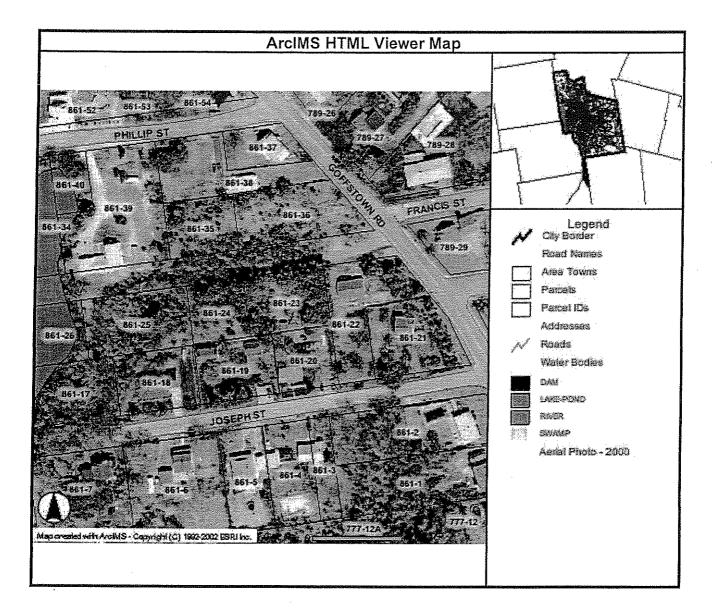
The following is a summary of important facts and the value estimate:

Property Location	Land Francis St. West Side
Assessors Map/Lot	Map 861, Lot 25N
Property Owner	City of Manchester, NH
Deed Book/Page	Deeded 9/2/43 Book 1051 Page 0369 Recorded 9/9/43
Date Acquired	9/2/43
Improved/Vacant	Vacant
Total Land Area	Square Feet (Acres) 18,000 or .41 Acres
Current Zoning	R-1A
Overlay District	
Easements/Restrictions	
Utilities Available	Water
Total Current	8,000
Assessment	
Indicated Range of	
Value/Unit	
Indicated Range of	20,000 TO 40,000
Value	
Comments	According to the Health Dept if they have water and need
	septic they need 25,000-sq. ft., if they don't have either than
	they need 37,500 sq. ft in order to build a house.

Respectfully submitted by the Board of Assessors,

Thomas C. Nichols, Acting Chairman

Thomas C. Nicholo





City of Manchester Office of the Tax Collector

City Hall One City Hall Plaza - West Manchester, New Hampshire 03101 Joan A. Porter (603) 624-6575 (Phone) Tax Collector (603) 628-6162 (Fax)

Memorandum

DATE:

November 10, 2003

TO:

Land & Building Committee

FROM:

Joan A. Porter, Tax Collector

RE:

L Francis Street

As requested, the following contains information regarding the Tax-Deeded property located at: L Francis St

Prior Owners:

Francisco R Jardine

Map/Lot:

0861/0025-N

Lien Date:

09/05/1941

Deed Date:

09/02/1943

Recorded Date: 09/09/1943

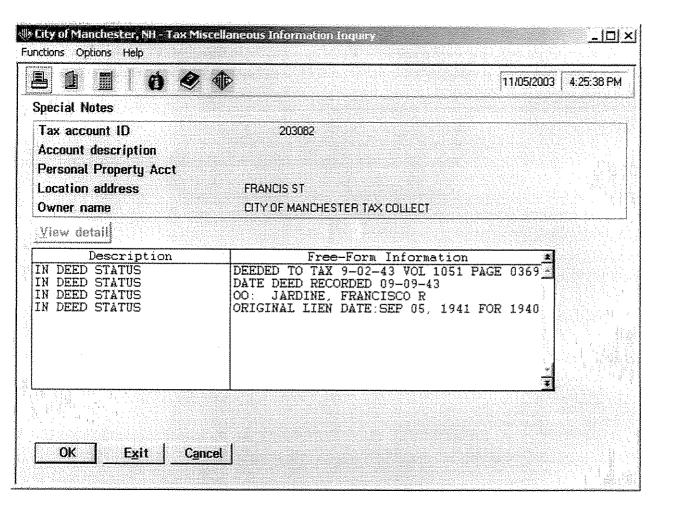
Book/Page:

1051/0369

Back Taxes

\$7.06 (not including interest and costs)

I do not have any objections to the disposition of this property.





Robert S. MacKenzie, AICP Director

CITY OF MANCHESTER

Planning and Community Development

Planning Community Improvement Program Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee



February 4, 2003

Committee on Land and Buildings Honorable Board of Mayor and Aldermen City Hall - One City Hall Plaza Manchester, N.H. 03101

RE: Disposition of city-owned property on Francis Street (Tax Map 861, Lot 25)

Dear Committee Members:

This is to provide a report pursuant to Section 23½ pertaining to the above-referenced parcel.

The Committee has received a letter from Mr. Rene Soucy who is currently seeking to acquire two adjoining privately owned parcels (TM 861, Lots 23 & 24) located on Francis Street, a private way off the west side of Goffstown Road. Prior to concluding his final acquisition of these two lots, Mr. Soucy has asked the Committee whether or not the City would sell him the city-owned Lot 25, a tax-deeded property which abuts the west end of Lot 24 (refer to the accompanying map). Mr. Soucy has verbally stated that his goal with respect to these purchases would be to

- (a) consolidate the 10,000 s.f. Lot 24 with the 18,000 s.f. Lot 25 in order to create a new 28,000 s.f. parcel which would meet the R-1A zoning district's 1-Family detached dwelling unit 12,500 s.f. minimum lot size requirement by; and
- (b) use Lot 23 as a buffer lot "to be neighbor friendly".

Surplus Determination: The Planning Department has reviewed this request and has concluded that there is no public purpose to the City's continuing ownership of Lot 25. As such we would have no objection if Lot 25 were to be declared "surplus" and disposed of in a manner consistent with Section 23 1/2 of the City Ordinances.

Disposition:

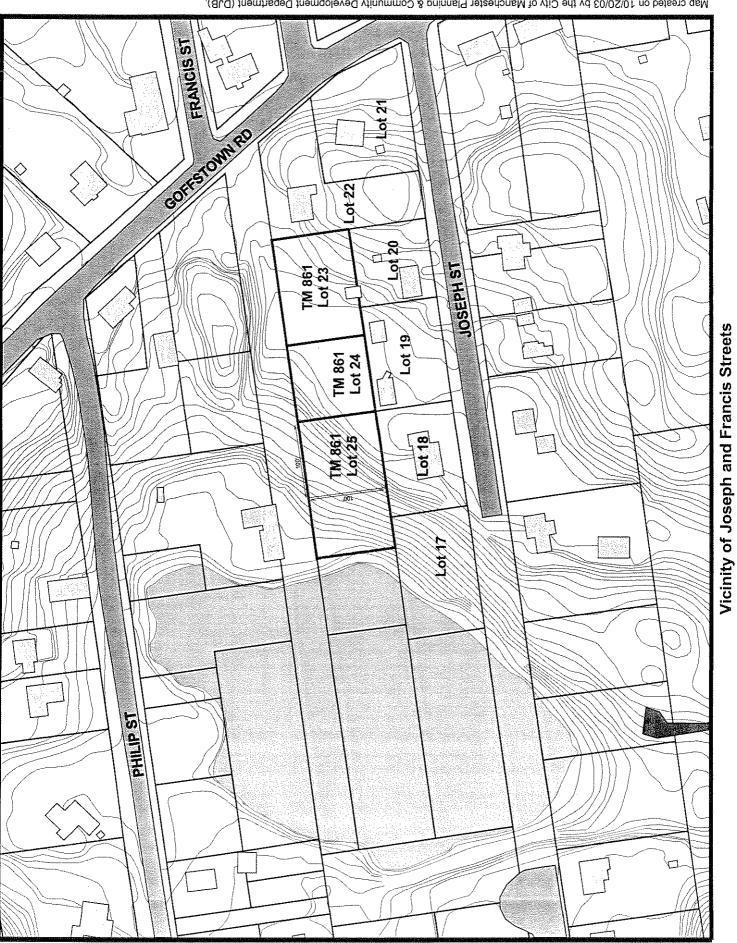
City-owned Lot 25 is located on a private way and is abutted by five separate privately-owned parcels, two of which have a substantial border with Lot 25 (TM 861, Lots 18 & 24). Due to the way the parcels in this area are configured, we feel that it is logical for the City to offer to sell Lot 25 to the owner of either Lot 18 or Lot 24.

Sincerely,

Røbert S. MacKenzie Director of Planning

> One City Hall Plaza, Manchester, New Hampshire 03101 Phone: (603) 624-6450 FAX: (603) 624-6529 E-mail: planning@ci.manchester.nh.us www.ci.manchester.nh.us





Map created on 10/20/03 by the City of Manchester Planning & Community Development Department (DJB). Map scale: One inch = 125 feet. 2' topographic contours.



City of Manchester Office of the Tax Collector

City Hall
One City Hall Plaza - West
Manchester, New Hampshire 03101 Joan A. Porter
(603) 624-6575 (Phone) Tax Collector
(603) 628-6162 (Fax)

Memorandum

DATE:

January 15, 2004

TO:

Land & Building Committee

FROM:

Joan A. Porter, Tax Collector

RE:

L Francis St

As requested, the following contains information regarding the Tax-Deeded property located at: **L Francis St**

Prior Owners:

Francisco R. Jardine

Map/Lot:

0861/0025

Lien Date:

09/05/41

Deed Date:

09/02/43

Recorded Date:

09/09/43

Book/Page:

051/369

Back Taxes

\$7.06 (not including interest and costs)

I do not have any objections to the disposition of this property.

This property was tax-deeded prior to 6/25/98 and therefore there are no requirements to notify the former owner.

City Clerk's Office City of Manchester One City Hall Plaza Manchester, NH 03101

Dear Sir:

I live on 87 Joseph Street in Manchester. My property abuts city lot map 861 lot 25. I wish to purchase this lot should the city put it up for sale. I am willing to pay \$15,000 for this lot.

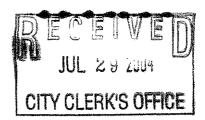
Thank you for consideration.

Sincerely,

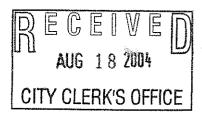
Peter V. Sampo 87 Joseph Street

Manchester, NH 03102

603-668-5944







Associated Realty and Recovery Service Kenneth DeSchuiteneer 816 Elm St. #186 Manchester, NH 03101 Phone # (603)668-6900

Alderman Henry Thibault Chairman Land and Building Committee Manchester Board of Mayor and Alderman 1 City Hall Plaza Manchester, NH 03101

Re: Purchase of lot 25 Francis St.

Dear Alderman Thibault

Reference is made to the land a building committee meeting which Mr. Rene Soucy presented plans to purchase lot #25 on Francis St. from the city of Manchester.

It was determined that the lot was surplus and a proper value would be placed on it and the land would be offered for sale to the abutters.

The only abutter to this property is Mr. Sampo and lots 23 and 24 which Mr. Soucy has equitable title in.

At the meeting a number of Francis St. residents testified as to their objections to Mr. Soucy being allowed to purchase lot 25 and being allowed to build on lots 23, 24 and 25.

Mr. Leon LaFreniere of the city of Manchester building department also testified as to lots 23, 24 and 25 combined being unbuildable as of the illegal pitch of the property. He also stated that lot 20 was non-conforming without 23 and 24 and therefor purchased illegally.

Well it seems it is more illegal then previously thought as the enclosed pictures will show.

The last building permit pulled for lot 20 was by Mr. John Freatas for electrical work over 35 years ago. The enclosed pictures show the lot 20 property, when it was sold to Mr. Lawrence and Mr. Lawrence's property now.

The building is twice as big now, and the garage is triple in size and if lot 20 was non-conforming when Mr. Lawrence purchased it, it is definitely non-conforming now. Mr. LaFreniere is aware of the exterior change in the Lawrence property, and in order to rectify this situation, Mr. Lawrence needs room for his septic.

Mr. Soucy will give Lawrence an easement on lot 23 for the septic thus making lot 20

conforming. The city must then set the guidelines to allow Mr. Soucy to build on 23, 24 and 25 combined to rectify the whole situation.

Or as an alternative have Mr. Lawrence restore his property to its original state when he purchased it.

Surely no permits would be approved on a non-conforming lot.

In summary I suggest that Mr. Soucy be allowed to purchase lot 25 and combine lot 23, 24 and 25 to make them buildable and grant the building permit to do so.

Then Mr. Soucy would give Mr. Lawrence an easement for his septic to make his lot conforming.

Then the building department can also issue permits to Mr. Lawrence for the work he has already done illegally and reassess his property.

Two wrongs don't make a right. This mess must be resolved.

Sincerely.

Kenneth DeSchuiteneer

CC. Board of Mayor and Alderman

City of Manchester Building Department

JDF Trust

c/o John D Freatas Jr.

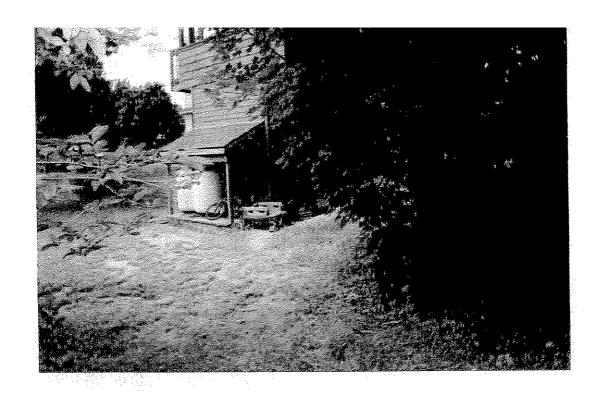
File for future reference

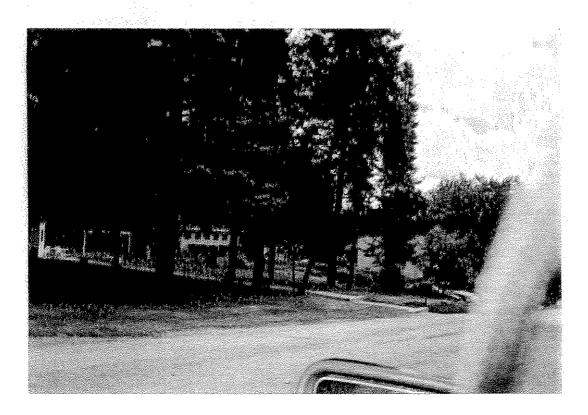












House on Lot 20 When do to To Januare

80,000 PROFESSIONALS STRONG

OPEN HOUSE — SUNDAY 1-4



122 Moose Club Park Rd. Goffstown

MINT COND, 3 BD Gambrel w/beach rights to Pista-caquog River. Over 1800 5/F.....\$94,900

DIR.: Mast Rd. to right on Moose Club Park, go approx. 1/2 mi. down hill. Home on right.

HOME OF THE WEEK concept. 2-car gar on 2+ acres. Now.....

GOFFSTOWN: Colonial, Great for large fam. New custom kit., formal din, rm, hardwd firs, fam. rm., farmer's porch, 2-car gar, in-ground pool \$134,900
PERFECT: 1st time buyer home. Ranch W/gar. Pinardville. LITCHFIELD: Beaut. open concept in exc. fam. neighbor-WEARE: Colonial of your dreams. Nearly 2000 SF. New constr. 2-car gar. str. 2-car gar., beaut. sub-div., views

WEARE: Huge 4 yr, old Cape, light & bright on 1.8 acre GOFFSTOWN: Hip roofed Coloniat, 2-car gar., Go GOFFSTOWN: nip to the state of Wallace Rd. area \$121,900
GOFFSTOWN: Just listed. Delightful older Cape, compl. re-

.....\$105,000 MANCH: 6-family. Hevey St. \$105,000
NORTH END: Beautiful custom 4 yr. new home. Open concept European kit, you'll fall in love with, master suite, whirt-

Compl. updated with 1-car gar. \$99,900
DUNBARTON: 1800 S/F Gambrel at this price! Beaut. stone

wall boundaries, wonderful country loc. \$99,900

ONE OF Goffstown's prettiest properties. Completely done
Colonial, over 2200 S/F, 2 acres. Seller wants offer. \$127,000 **WEARE:** Antique Colonial in wonderful condition. Huge rooms, setting of 3 pretty acres, wide pine floors. Reduced! LAND

COFFSTOWN: beautiful views. Owner financing.... \$39,900 BEDFORD: Desirable Randolph Commons, pond, views, \$55,000\$49,900 NEW BOSTON: Whipperwill Estates\$22,500

624-6855

WALK TO TOWN convenience in this Goffstown 3 bdrm home, large backyard for children, gardening, etc., attached bam.....\$79,000

529-2121

WHEEL CHAIR AC-CESS to this well maintained manufactured home w/porch and shed on own 1± AC lot, only about 7 mi, to Manchester

\$35,000

COUNTRY LIVING

529-2121

on 5± AC mini farm waiting for your family to enjoy, 3 bdrm homé w/fireplaced fam. rm., 2-car garage w/heated rm over \$89,900

529-2121

OVER 51/2 ACRES w/this passive solar home w/cathedral ceiling, FHW heat, walkout finished lower level, large attic and more......\$89,900

529-2121

OVER 2 ACRES OF LAND with this fully applianced home, pleasant living in the country, ideal starter or retirement home at low price \$45,000

529-2121

OPEN HOUSES 1-3 P.M.



558 Amherst St. MOVE RIGHT IN this mint 6 rm Split in east area, 3 bdrms, gas heat, pool, ig. deck.....\$87,000

Directions: Go East on Ha-



3802 Brown Ave. TURN OF THE CEN-TURY Colonial w/8+ rms, 4-5 bdrms, 2 baths, hdwd firs, encl. porches

\$104.900 Directions: Go South on

Brown Ave., left Old Brown Ave. home on RT.

NEW LISTINGS



PERFECT STARTER! Oversized expansion Cape w/2 bdrms, howd firs, plaster walls, brzwy & gar., pil heat, West \$85,900



SUPER RANCH! Northend , home w/3 bdrms, froic'd liv. rm, tam. rm, det. gar.,



quiet west area features this 4 rm Cape, 3 bdrms, gar, under, dead end, hdwd firs, great for garden lovers \$79.900

THE STREET PINARDVILLE oversized

Ranch w/lg bdrms, hdwd firs, att. den, fin. playrm; encl. patio, carport, exc. starter

60'S SPECIALS!!!



CHARMING West Cape w/6 rms, 3 bdrms, hdwd firs, nat. wood interior, formal din, rm, det. gar.\$69,900



WELL-KEPT 2-fam, w/5 rms, 2-3 bdrms, each apt., exec, owner occupied



HANDYMAN SPECIAL! 2story home w/newer 2nd flr., oversized yard, corner lot, det. gar., lots of potential . \$62,500



PRICED TO SELL! Just vacated New Englander w/3 bdrms.

668-5100



And the special section of the secti

Ledgewood Goffstown

624-6855

Abbiss Weare 529-2121 Dumont & Assoc. Manchester 668-5100



Dick Dunfey
Executive Director

M A N C H E S T E R HOUSING AND REDEVELOPMENT AUTHORITY

July 13, 2004

Alderman Henry R. Thibeault Chairman, Lands and Building Committee City of Manchester Planning and Community Development One City Hall Plaza Manchester, New Hampshire 03101

RE: Brown School

Dear Alderman Thibeault:

George N. Copadis Chair

William B. Cashin Vice-Chair

Marie E. Donohoe Commissioner

Fred B. Kfoury, Jr. Commissioner

M. Mary Mongan Commissioner

As discussed at your Lands and Building Committee meeting on May 26, 2004 regarding the Brown School, the Manchester Housing and Redevelopment Authority and Families In Transition entered into a Purchase and Sales Agreement with the City of Manchester on December 5, 2002. After consultation with an architect to determine the maximum number of units which could be accommodated on the site, the Authority and Families In Transition concluded that the site was not large enough to produce viable projects for both ownership interests.

The Manchester Housing and Redevelopment Authority remains very interested in developing the Brown School site and believes its conversion to elderly housing would be most compatible with the neighborhood. However, we have been unable to seek funding for this project because of the site control issue. Without evidence of sole site control we cannot submit applications for funding.

We ask respectfully that the Lands and Buildings Committee and the Board of Mayor and Aldermen approve an amendment to the original Purchase and Sales Agreement to provide the required site control in anticipation of the next available offering for funding.

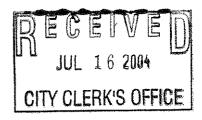
Thank you.

Sincerely,

MANCHESTER HOUSING AND REDEVELOPMENT AUTHORITY

Dick Dunfey Executive Director

Cc: Bob Mackenzie, Director of Planning, City of Manchester
 Tom Arnold, Esquire
 Bill Craig, Esquire
 Ken Viscarello, Esquire
 Maureen Beauregard, Families In Transition









MANCHESTER NEIGHBORHOOD HOUSING SERVICES, INC.

NeighborWorks® HomeOwnership Center of Manchester

A Program of Manchester Neighborhood Housing Services, Inc.

968 Elm Street Manchester, NH 03101 www.mnhs.net

PH: 603-626-4663 FAX: 603-623-8011

HONORARY BOARD OF TRUSTEES: R. Scott Bacon Barry Brensinger Robert Dastin Sylvio L. Dupuis, O.D. David Goodwin Fred B. Kfoury, Jr. Claira P. Monier April 14, 2004

Alderman Henry R. Thibault Chairman Land and Buildings Committee City Hall One City Hall Plaza Manchester, NH 03101

Dear Alderman Thibault,

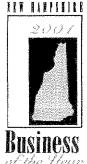
I am writing to you as chairman of the Land and Buildings Committee to formally express our interest in purchasing the former Brown School property. As you are aware, Manchester NHS is the state's premier non-profit affordable housing developer, and we have enjoyed over ten years partnering with the City of Manchester in revitalizing buildings and neighborhoods. We believe that we can do an extremely good job of redeveloping the Brown School, and expand the both the supply of affordable housing on Manchester's West Side, as well as the City's tax base.

While any purchase of the Brown School would have to be contingent on normal due diligence undertaken by us, we are under the impression that the City at one time had an offer of \$400,000 and we would anticipate matching that.

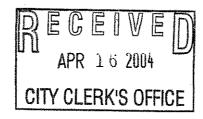
We would appreciate the opportunity to present a Purchase & Sale Agreement for the property. Please do not hesitate to contact me to advise as to next steps. I can be reached at 626-4663 x17. If I am unavailable, please contact Sal Steven-Hubbard, our Deputy Director for Neighborhood Development at extension 18. We look forward to hearing from you.

Sincerely,

Felix M. Torres
Executive Director

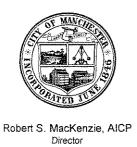


70









CITY OF MANCHESTER

Planning and Community Development

Planning Community Improvement Program Growth Management



Staff to: Planning Board Heritage Commission Millyard Design Review Committee

April 27, 2004

Committee on Land and Buildings Honorable Board of Mayor and Aldermen Manchester City Hall One City Hall Plaza Manchester, New Hampshire 03101

Re: Disposition of the Brown School at 435 Amory Street (TM 187, Lot 30)

Dear Committee Members:

We have previously submitted a report in 2002 on this matter (see attached) and would take this opportunity to reaffirm the information contained therein regarding surplus determination and manner of sale for the Brown School.

The Committee should be aware that the City has received recent written expressions of interest in this property from several non-profit agencies and it may now be appropriate to call on these agencies to more fully explain how they would use this historic City property. Toward this end the Committee may wish to issue a Request for Proposals (RFP) aimed at discovering this information.

Sincerely,

Robert S. MacKenzie

Director of Planning & Community Development

Copy: file

20

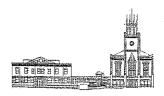


Robert S. MacKenzie, AICP

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Zoning Board of Adjustment
Heritage Commission
Millyard Design Review Committee

November 27, 2002

Committee on Lands and Buildings Honorable Board of Mayor and Aldermen One City Hall Plaza Manchester, N.H. 03101

RE: Sale of city-owned property at 435 Amory Street (the Brown School - Tax Map 187, Lot 30.

Dear Committee Members:

This is to provide a report pursuant to Section 23 1/2 pertaining to the above-referenced property.

Surplus Determination: The 1911 Brown School building is a 2½-story gable/hip roofed structure which is situated on an 0.9 acre parcel at 435 Amory Street between Alsace and Joliette Streets. Formerly under the School Department's jurisdiction, that body has determined that the Brown School property is surplus to their needs and has returned it to City control. Most recently, the City has received a written request to purchase the property from Families in Transition and Manchester Housing and Redevelopment Authority who have formed a partnership for the purpose of developing affordable housing at the Brown School site.

In recent years, the City has been working with local non-profit organizations to search out and evaluate possible affordable housing opportunities. As part of this effort, the Brown School was appraised as a site which had high potential to be adaptively rehabilitated for these ends. After reviewing available Brown School site information and consulting with other City Agencies, I do not believe that there are any explicit City needs for the property except for the purpose of providing housing. As such, I would recommend that the property be determined "surplus" and be disposed of in a manner consistent with Section 23½ of the City Ordinances.

Manner of Sale: I believe the most appropriate manner of disposition would be to sell the property to a local non-profit organization dedicated to providing affordable housing opportunities. The City may wish to attach a restriction or other assurance to the deed which will ensure that the property will be used for such purposes.

If you have any questions, a representative from the Planning Department will be available at your next committee meeting.

Sincerely,

Robert S. MacKenzie Director of Planning

cc: SPOT members





Dick Dunfey Executive Director

M A N C H E S T E R HOUSING AND REDEVELOPMENT AUTHORITY

George N. Copadis Chair

William B. Cashin Vice-Chair

Marie E. Donohoe Commissioner

Fred B. Kfoury, Jr. Commissioner

M. Mary Mongan Commissioner

May 25, 2004

The Honorable Henry R. Thibault Chairman, Lands and Buildings Committee City Hall One City Hall Plaza Manchester, New Hampshire 03101

Re: Brown School

Dear Alderman Thibault:

This is to reaffirm that the Manchester Housing and Redevelopment Authority has an ongoing interest in renovating the Brown School to provide much-needed affordable housing for the elderly. The initial plan was for MHRA to partner with Families In Transition to pursue a project which entailed housing for families and the elderly as well as construction of an addition to the existing building at the site. However, as both MHRA and FIT have indicated to City staff, we have determined that the site is inadequate in size to support economically viable endeavors for both agencies. MHRA has identified potential funding to achieve desired renovations and construction to provide 26-30 units of elderly housing but needs to expend funds to pursue predevelopment activities.

We have suggested that an amendment to our existing Purchase and Sales Agreement for the site might be a logical next step, and we ask respectfully that we be given the opportunity to negotiate same with City staff in the near future.

MHRA Housing Development staff will be present at the May 26 Lands and Buildings Committee meeting to answer any questions you might have.

Thank you.

Sincerely,

MANCHESTER HOUSING AND REDEVELOPMENT AUTHORITY

Dick Dunfey
Executive Director

MAY 25 2004

CITY CLERK'S OFFICE

EQUAL HOUSING OFFCRIUNITY

0

Signed by all 12/5/02 5/26/04-Handert From MHRA

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT (the "Agreement"), is made by and between Families in Transition, Inc., a New Hampshire not for profit corporation, with a mailing address of 122 Market Street, Manchester, New Hampshire 03101 and the Manchester Housing and Redevelopment Authority, an organization formed pursuant to New Hampshire law, with a mailing address of 198 Hanover Street, Manchester, New Hampshire, their successors and assigns (hereinafter collectively the "Purchaser") and The City of Manchester, a New Hampshire municipal corporation, having principal offices at One City Hall plaza, Manchester, New Hampshire, 03101 (hereinafter "Seller").

WITNESSETH:

In consideration of the mutual covenants set forth herein, the parties undertake and agree as follows:

1. RECITALS AND PURPOSES

1.01 Seller wishes to sell, and Purchaser wishes to buy a certain property commonly known as the "Brown School", together with all appurtenant easements, buildings, improvements, fixtures and appurtenances, attached or affixed thereon and except as set forth herein, all rights in adjacent streets or roads, all riparian rights, all assignments of contracts, leases, rents, security deposits, tax abatements, actions, and other property, rights and interests therein, as more particularly described on Exhibit A attached hereto and incorporated herein by reference (collectively the "Premises").

2. PURCHASE AND SALE

- 2.01 Expressly conditioned upon and in reliance on the terms and conditions set forth herein, Seller hereby agrees to sell and Purchaser agrees to purchase all of Seller's interest in the Premises and personalty set forth in Section 1.01, above.
 - PURCHASE PRICE, DEPOSITS AND MODE OF PAYMENT
- 3.01 <u>Purchase Price</u>. The Purchase Price for the Premises shall be an amount equal to Four Hundred Thousand Dollars (\$400,000.00) (the "Purchase Price").
- 3.02 <u>Deposits.</u> Purchaser shall upon the execution and delivery of this Agreement by the parties deliver to Sheehan Phinney Bass + Green, P.A. (the "Escrow Agent") the amount of One Thousand Dollars (\$1000.00) (the "Deposit"). Said Deposit to be applied as set forth herein.
- 3.03 <u>Purchase Price Payment</u>. The Purchase Price shall be payable at Closing as follows:



- (i) by application of the Deposit;
- (ii) the balance of the Purchase Price by cash, bank or certified check drawn on a member bank of the Boston Clearing House, or current funds.

4. CLOSING, TIME AND PLACE

4.01 Closing (the "Closing") shall take place on or before ninety (90) days from the later of: (i) Purchaser's receipt of the financing commitments set forth in Section 6.03; or (ii) the receipt of all necessary approvals as contemplated by Section 6.04, together with the expiration of any applicable appeal period(s), but in any event no later than December 31, 2004. The Closing shall take place at the offices of the New Hampshire Housing Finance Authority (the "Authority") or at another location designated by Purchaser's lender.

5. OBLIGATIONS OF THE PARTIES AT CLOSING

5.01 At Closing, Seller shall deliver to Purchaser

- (i) a deed of its interest in the Premises in statutory form, conveying clear, record and marketable title in fee simple absolute (the "Deed"). The Deed shall contain a restriction that the Premises be developed and held for affordable housing. In addition, the Deed shall contain a reverter clause, reflecting that in the event the Premises is not developed for affordable housing within a reasonable period of time, to be determined by the City of Manchester City Solicitor in conjunction with the City of Manchester Planning Director, the property will revert to Seller. Upon development, within a reasonable time, of the Premises for affordable housing the parties hereto will execute a memorandum or similar affidavit acknowledging that the Premise have been constructed for affordable housing within a reasonable period time, which memorandum/affidavit will be recorded in the Hillsborough County Registry of Deeds.
- (ii) mechanics lien and parties in possession affidavits by Seller, and other forms and affidavits as reasonably and customarily required by Purchaser's lender or title insurance company for transactions of this type and nature.

5.02 At Closing, Purchaser shall deliver to Seller:

- (i) the Purchase Price.
- (ii) a copy of Purchaser's, or its assignee's, vote(s) authorizing resolutions or similar evidence, authorizing the purchase of the Premises.
- (iii) real estate transfer and other forms and affidavits customarily required when transferring property in the state where the Premises is located.



5.03 At Closing (i) the Premises will be conveyed in the same condition as the date hereof, reasonable wear and tear excepted, free of tenants and any personal property of Seller; (ii) the title to the Premises will be in the same condition as of the date of Purchaser's title examination.

6. DELIVERIES PRIOR TO CLOSING, INSPECTIONS, DUE DILIGENCE AND CONDITIONS TO CLOSING

- Purchaser shall have until 5:00 p.m. of the forty fifth (45th) calendar day after the last party executes this Agreement to, undertake such title examinations as it deems appropriate, and if it determines that there is any objection to Seller's title rendering it uninsurable or unmarketable, it shall so notify Seller in writing. If defects or flaws in title are of such character that they may be readily remedied or removed by Seller, then upon receipt of the notice the Seller shall promptly institute and prosecute proceedings to remedy such defects, and upon giving return written notice to Purchaser to that effect, Seller shall be entitled to sixty (60) days from Purchaser's notice to correct such title defects. If Seller is unable to remedy title within said sixty (60) day cure period, then Purchaser may either: (i) terminate this Agreement, whereupon Purchaser shall be entitled to the return of its Deposit, and both parties shall be discharged from any further liability under this Agreement, or (ii) Purchaser may elect to accept such title as Seller can deliver, with no deduction of the Purchase Price.
- day after the last party executes this Agreement (the "Due Diligence Period") to undertake at its sole cost and expense: (i) engineering studies and inspections as it deems appropriate; (ii) a soils investigation and inspection as it deems appropriate; (iii) a zoning and use review; (iv) a review of the environmental condition of the Premises, and (iv) a review of any and all matters, information and documentation relating to or concerning the Premises. If Purchaser shall discover or determine prior to the expiration of the Due Diligence Period that it or its lender(s) are not satisfied in any way with the status of the Premises or the results of any of its due diligence or inspections, Purchaser shall have right to terminate this Agreement and have the Deposit refunded forthwith, and all the parties shall thereafter be released from any further obligations hereunder.
- 6.03 This Agreement is expressly conditioned upon Purchaser receiving all financing necessary to develop, construct and build the Project (as defined below), said financing may include, but not be limited to, a commitment and reservation for nine percent (9%) tax credits from the Authority on terms and conditions reasonably acceptable to the Purchaser, construction financing, receipt of Historic Tax Credits, receipt of HOME funds (either City HOME Funds or State HOME Funds), FHLB funds, and such other grants and funding sources as Purchaser deems necessary all on terms and conditions reasonably acceptable to the Purchaser and usual and customary to transactions of this type and nature. If Purchaser cannot obtain financing, Purchaser shall have the right to terminate this Agreement and have the Deposit refunded forthwith, and all the parties shall thereafter shall be released from any further obligations hereunder.



- 6.04 This Agreement is expressly conditioned upon Purchaser receiving, obtaining and procuring the issuance of any and all federal, state or local approvals, licenses, permits, variances, special exceptions, leases, agreements or consents necessary from any federal, state or local officials, regulatory authority(s), homeowners or other association having jurisdiction over the Premises to construct an affordable housing project of the site (the "Project") (including any applicable appeals period), including, but not limited to, receipt of appropriate variances and special exception, site plan approval, subdivision approval, site specific approvals and historic commission approvals (collectively the "Approvals"). If Purchaser shall discover or determine that it is not able to obtain the Approvals, Purchaser shall have the right to terminate this Agreement and have the Deposit refunded forthwith, and all the parties shall thereafter shall be released from any further obligations hereunder.
- 6.05 Upon execution of this Agreement Seller shall deliver to Purchaser copies of any and all reports, materials or information in its possession relating to the title, environmental condition, structural condition or other aspect of the Premises and any and all surveys or plans in Seller's possession in connection with the Premises (collectively the "Reports"). In the event that Purchaser terminates this Agreement in accordance herewith, Purchaser shall return all Reports to the Seller, together with any and all reports, plans, materials, studies or information prepared by or obtained by Purchaser, at no cost to Seller.

7. OCCUPANCY, TENANTS

7.01 Purchaser shall be entitled to occupancy on the date of Closing, free of all rights of use or possession by Seller and/or any other tenant. Seller agrees that it will deliver the Premises on the Closing free and clear of all personal property of Seller and all tenants or any other right of tenancy or occupancy.

8. ACCESS TO PREMISES/RECORDS

8.01 Between the date hereof and the date of Closing, Purchaser and Purchaser's representatives shall be permitted: (i) access to the Premises at reasonable times in order to conduct any due diligence or inspections it desires as contemplated herein, and (ii) access to Seller's files and records pertaining to the Premises. In the course of making such inspections, Purchaser shall not unreasonably interfere with Seller's use of the Premises or interfere with Seller's records and files. In the event the Closing does not take place as provided herein, Purchaser shall at its sole cost and expense restore the Premises as nearly as possible to its condition existing prior to the time of said examinations. All engineers and other representatives of Purchaser performing such tests and examinations upon the Premises shall be adequately insured for public liability and workman's compensation claims.

9. DEFAULT

9.01 In the event of Purchaser's default hereunder, then Seller shall retain the Deposit paid to the date of default as complete liquidated damages and the obligation of the parties hereunder shall be null and void.



9.02 In the event that Seller defaults hereunder Purchaser, (i) may terminate this Agreement, whereupon the Deposit promptly shall be refunded to Purchaser, or (ii) seek specific performance and the costs of seeking said specific performance including reasonable attorney's fees.

10. CONDEMNATION, INSURANCE

In the event of (i) a casualty to the Premises which results in a loss of less than Ten Thousand Dollars (\$10,000.00), which casualty is covered by insurance; or (ii) a partial taking of the Premises by public authorities for an eminent domain award of less than Ten Thousand Dollars (\$10,000.00), the insurance proceeds or eminent domain award, as the case may be, shall be paid to the Purchaser together with any deductible amounts (if any), and the Purchaser shall be bound to purchase the Premises without any diminution in the Purchase Price. In the event of a casualty or taking where the insurance or eminent domain proceeds, as the case may be, equal or exceed Ten Thousand Dollars (\$10,000.00), Purchaser may, at its option (a) purchase the Premises without any diminution in the Purchase Price, in which event the insurance or eminent domain proceeds shall be paid to Purchaser; or (b) rescind the Agreement in which event the Deposit shall be returned to Purchaser and neither party shall have any further rights or duties hereunder.

11. MISCELLANEOUS

- 11.01 If required in order to obtain Low Income Housing Tax Credits or other financing, Purchase may assign this Agreement to an entity in which it holds a majority interest or acts as a general partner or acts as the managing member.
- 11.02 The parties shall diligently pursue obtaining the financing contemplated by this Agreement.
 - 11.03 TIME IS OF THE ESSENCE WITH RESPECT TO THIS AGREEMENT.



IN WITNESS WHEREOF, the Parties hereto have set their hands to the written instrument as of the date first above written. \neg

PURCHASER:

FAMILIES IN TRANSITION, INC.

Jana Du Munal

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Name: Maureen Beauregard

Title:

Executive Director

Dated: 12 5 02

MANCHESTER HOUSING AND REDEVELOPMENT AUTHORITY

Jenn Du Dune Witness

By:

Name:

: Dick Duny

Dated: 12 5 00

SELLER:

THE CITY OF MANCHESTER

Witness

14/5/02

Ву: 2

Robert A. B

Title:

Mayor



REVIEW AND APPROVED BY THE CITY OF MANCHESTER CITY SOLICITOR:

Name: THOMAS R CHARK Title: EITY SOCICIFOR

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